

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 18 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

JAN 18 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 18, 1973

By:

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JAN 18 1973

At 11:50 o'clock A.M.

EDMUND G. BROWN, Jr., Secretary of State

Rinda K.onado  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

Amend:

Section 40-171.211

44-115.94

44-213.33

44-213.34

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND  
INTRAPROGRAM STATUS CHANGES (Continued)

40-171

AB  
ATD  
OAS  
AFDC  
MN

.211 Application Granted - General

If eligibility is established (see Section 42-303) aid to begin at a specified time shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC .94 Clothing - \$9 for each person per month (not to exceed \$90)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC .33 Parent's Spouse - the spouse of the eligible child's natural or adoptive parent when the basis for deprivation is the incapacity of a natural or adoptive parent, or the unemployment of the natural or adoptive father (who meets federal conditions in Section 41-440.5), living in the home,

or

.34 Relative - If there is no parent living in the home, the needy adult relative, as defined above, who provides care and supervision of the eligible child.

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

January 8, 1973

RECEIVED FOR FILING

JAN 9 1973

Office of Administrative Hearings

FILED

In the Office of the Secretary of State  
of the State of California

JAN 9 - 1973

At 12:05 o'clock P. M. 1973

EDMUND G. BROWN, Secretary of State

By *Paula K. Linsdale*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on September 12, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 43-103  
43-109.4  
44-111.11Effective September 12, 1972  
Effective September 12, 1972  
Effective September 12, 1972State Department of Social Welfare

By

*Robert B. Carleson*  
ROBERT B. CARLESON, Director

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

January 18, 1973

RECEIVED FOR FILING

JAN 18 1973

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN 18 1973

At 11:50 clock A.M.

EDMUND G. BROWN, Jr., Secretary of State

By John K. Imanado  
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

Sections 44-115.6, 44-115.8, 44-115.9, 44-115.91, 44-115.92, 44-115.93,  
44-115.94, 44-203.2, 44-212, 44-213.3, 44-213.4, 44-217, 44-221,  
44-265, 44-266, 44-267, 44-268, 44-269, 44-270, 44-272, 44-274,  
44-276, 44-278, 44-279, 44-280, 44-281, 10-225.2, 10-225.3

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on September 22, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social Welfare

By

Robert B. Carleson  
ROBERT B. CARLESON, Director



## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

February 23, 1973

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on October 27, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

## Amend:

Section 43-113.6  
44-133.5Effective 10/27/72  
" "

## Adopt:

Section 44-315.43

" "

## Renumber:

Section 44-315.44  
(from former 44-315.43)

" "

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

RECEIVED FOR FILING

FEB 23 1973

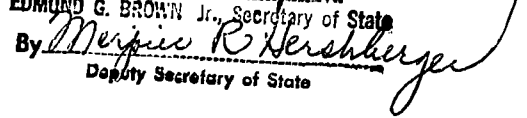
Office of Administrative Hearings

**FILED**In the office of the Secretary of State  
of the State of California

FEB 23 1973

At 4:35 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By   
Deputy Secretary of State

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

February 23, 1973

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on September 22, 1972, which became effective on November 1, 1972.

Amend Section 44-315.8

Repeal Section 44-133.621a

State Department of Social WelfareBy 


ROBERT B. CARLESON, Director

**FILED**In the office of the Secretary of State  
of the State of California

FEB 26 1973

At 1:25 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By   
Deputy Secretary of State

RECEIVED FOR FILING

FEB 26 1973

Office of Administrative Hearings

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

March 9, 1973

RECEIVED FOR FILING

MAR 9 1973

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of California

MAR 9 - 1973

At 12:05 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By Paula K. Jernade  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on November 17, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 44-207.1	- Effective December 1, 1972
44-208.1	- Effective December 1, 1972
44-209.5	- Effective December 1, 1972
44-311.111	- Effective December 1, 1972
44-311.113	- Effective December 1, 1972

State Department of Social Welfare

By John A. Svahn

JOHN A. SVAHN, Acting Director

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

March 9, 1973

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Office of Administrative Hearings

**FILED**  
in the office of the Secretary of State  
of the State of California

MAR 9 - 1973

At 12:05 clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By *Julia K. Ismado*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

Sections 10-036.42, 30-265.2, 30-265.3, 40-125.25, 42-503.1, 42-503.5,  
42-505.2, 42-505.21, 42-511, 44-209.1, 44-209.2, 44-209.32, 44-209.33,  
44-209.4, 44-209.6, 44-211, 44-301, 44-303.34, 44-305.11, 44-305.21,  
44-311.121, 44-311.122, and 44-315.22

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on December 15, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social Welfare

By

*John A. Svahn*  
JOHN A. SVAHN, Acting Director

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

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(Gov. Code 11380.2)

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Office of Administrative Hearings

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Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: March 9, 1973

By:

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAR 9 - 1973

At 2:05 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By: Linda K. Semado  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

#### FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.31

Adopt:

Section 42-213.219

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, provides that payments to recipients of public assistance may not be considered income or property for purposes of eligibility or grant determination.
2. The United States Department of Health, Education, and Welfare adopted regulations excepting such payments from consideration as income or property.
3. On November 10, 1972 the Director of Social Welfare adopted emergency regulations to conform to these federal regulations.
4. It is necessary to adopt this regulation on an emergency basis in order to maintain uniformity among counties by permitting recipients to retain these payments as intended by the federal law and regulations.

The regulation set forth above is adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME**  
(Continued)

AB  
APSB  
ATD  
OAS  
AFDC

**.3 Exemption of Payments from Public Sources**

**.31 Relocation Assistance Benefits**

A relocation assistance benefit, paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing, is exempt income.

**42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY  
WHICH MAY BE RETAINED (Continued)**

**42-213**

AB  
APSB  
ATD  
OAS  
AFDC

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

March 9, 1973

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**FILED**  
In the office of the Secretary of State  
of the State of California

MAR 9 - 1973

At 12:05 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By *Paula K.onado*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on November 10, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Amend: Section 44-111.422c(2) - Effective November 10, 1972

Repeal: Section 44-111.422c(3) - Effective November 10, 1972

State Department of Social WelfareBy *[Signature]*

JOHN A. SVAHN, Acting Director



## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

March 9, 1973

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In the office of the Secretary of State  
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MAR 9 - 1973

At 12:05 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By *Rinda L.onado*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on November 10, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Amend Section 22-021.2	- Effective November 10, 1972
22-022.1	- Effective November 10, 1972
22-022.3	- Effective November 10, 1972
22-023	- Effective November 10, 1972
22-027.1	- Effective November 10, 1972

Repeal Section 22-025.12	- Effective November 10, 1972
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Renumber Section 22-025.12 (from former 22-025.13)	- Effective November 10, 1972
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State Department of Social WelfareBy *John A. Svahn*  
JOHN A. SVAHN, Acting Director

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 21 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11366.2)

MAR 21 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: March 21, 1973

By:

*David B. Swanson*

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAR 21 1973

At 3:05 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By *Mervin R. Kershberg*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

#### FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 43-105.41  
43-105.42(c)  
43-109  
43-109.31  
43-109.6  
44-305.21  
44-311.113  
44-315.23

Adopt:

Section 44-241

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Statutes enacted by the 1972 Legislature became effective on March 7, 1973.
2. Implementation of legislation relating to public social services programs within the responsibility of the State Department of Social Welfare can be accomplished through regulations adopted by the Director of the State Department of Social Welfare.
3. In order to implement such statutes enacted by the 1972 Legislature in a timely manner it is necessary to adopt these regulations on an emergency basis.

The regulations changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-105    DEFINITIONS (Continued)

43-105

OAS

.41    Salary or Wages

Net income from salary or wages derived from employment by others is gross income less a flat allowance for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms. The flat allowance is 25 percent for responsible relatives under 60 years old, and 50 percent for those 60 years old or older.

43-105    DEFINITIONS (Continued)

43-105

OAS

.42    c.    Twenty-five percent, or 50 percent for a responsible relative 60 years old or older, of the balance (the remainder after allowable expenses under a and b have been deducted) for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-109    RESPONSIBILITY OF ADULT CHILD

43-109

OAS    The maximum liability of an adult child shall be determined under the Relatives' Contribution Scale (see .31 below) which gives consideration to the child's net income and the number of his dependents.

43-109    RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS        .31    Relatives' Contribution Scale

Welfare and Institutions Code Section 12101 provides for contributions based on net income. Columns A and B are included for convenience in converting gross income to net income when the income of the adult child includes only his salary or wages. If the adult child's income includes income from property, self-employment, business, etc., his total net income must be determined under the appropriate provisions in Section 43-105.4. Net income so determined is then used, in Column C, in determining his maximum liability under Column D of the scale.

When the net monthly income of the adult child exceeds \$1150, add \$5 to the appropriate subcolumn of Column D for each additional increment of \$25 in the adult child's net monthly income.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**RELATIVES' CONTRIBUTION SCALE**

OAS

.31 Relatives' Contribution Scale (Continued)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

A If relative is 60 years old or older and gross monthly income is:	B If relative is under 60 years old and gross monthly income is:	C Then net monthly income is:	D Maximum required monthly contribution if number of persons dependent upon income is:					
			1	2	3	4	5	6 or more
\$ 0 - 1001.99	\$ 0 - 667.99	\$ 500 or under	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
1002.00-1051.99	668.00 - 701.33	501 - 525	20	10	0	0	0	0
1052.00-1101.99	701.34 - 734.66	526 - 550	25	15	0	0	0	0
1102.00-1151.99	734.67 - 767.99	551 - 575	30	20	0	0	0	0
1152.00-1201.99	768.00 - 801.33	576 - 600	35	25	5	0	0	0
1202.00-1251.99	801.34 - 834.66	601 - 625	40	30	10	0	0	0
1252.00-1301.99	834.67 - 867.99	626 - 650	45	35	15	0	0	0
1302.00-1351.99	868.00 - 901.33	651 - 675	50	40	20	5	0	0
1352.00-1401.99	901.34 - 934.66	676 - 700	55	45	25	10	0	0
1402.00-1451.99	934.67 - 967.99	701 - 725	60	50	30	15	5	0
1452.00-1501.99	968.00 - 1,001.33	726 - 750	65	55	35	20	10	5
1502.00-1551.99	1,001.34 - 1,034.66	751 - 775	70	60	40	25	15	10
1552.00-1601.99	1,034.67 - 1,067.99	776 - 800	75	65	45	30	20	15
1602.00-1651.99	1,068.00 - 1,101.33	801 - 825	80	70	50	35	25	20
1652.00-1701.99	1,101.34 - 1,134.66	826 - 850	85	75	55	40	30	25
1702.00-1751.99	1,134.67 - 1,167.99	851 - 875	90	80	60	45	35	30
1752.00-1801.99	1,168.00 - 1,201.33	876 - 900	95	85	65	50	40	35
1802.00-1851.99	1,201.34 - 1,234.66	901 - 925	100	90	70	55	45	40
1852.00-1901.99	1,234.67 - 1,267.99	926 - 950	105	95	75	60	50	45
1902.00-1951.99	1,268.00 - 1,301.33	951 - 975	110	100	80	65	55	50
1952.00-2001.99	1,301.34 - 1,334.66	976 - 1,000	115	105	85	70	60	55
2002.00-2051.99	1,334.67 - 1,367.99	1,001 - 1,025	125	115	95	80	70	65
2052.00-2101.99	1,368.00 - 1,401.33	1,026 - 1,050	135	125	105	90	80	75
2102.00-2151.99	1,401.34 - 1,434.66	1,051 - 1,075	145	135	115	100	90	85
2152.00-2201.99	1,434.67 - 1,467.99	1,076 - 1,100	155	145	125	110	100	95
2202.00-2251.99	1,468.00 - 1,501.33	1,101 - 1,125	165	155	135	120	110	105
2252.00-2301.99	1,501.34 - 1,534.66	1,126 - 1,150	175	165	145	130	120	115

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-109    RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS    .6    Modification of Liability

When the monthly liability of any adult child of an OAS recipient or applicant exceeds the amount of the cash grant, the liability will be reduced to the amount of the cash grant.

When an OAS applicant or recipient has more than one adult child with a responsible relative liability and the sum of their respective liabilities exceeds the amount of the cash grant, the liabilities of the respective adult children shall be reduced proportionately to a total amount equal to the amount of the grant. However, any amount not collected from one or more of the adult children is a liability of the other adult children and is recoverable from any of the remaining adult children up to the amount shown in Section 43-109.31 for that child.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES

44-241

OAS For purposes of this section "recipient" includes both individual recipients and married couples when both receive OAS.

.1 Criteria for Allowing the Special Need

A special need for property taxes (not including delinquent penalties) shall be allowed for any recipient who:

.11 Owns or is purchasing a home, and

.12 Is actually paying property taxes in excess of \$180 in a fiscal year, and

.13 Has property taxes which are not already being met within the housing allowance.

.2 Maximum Allowance

In no case shall a recipient's special need allowance for property tax exceed \$500 per fiscal year.

.3 Determining the Amount of Special Need

The special need for property taxes shall be determined on the basis of the property tax bill for the current fiscal year, if available. If the current property tax bill is not available, the special need allowance shall be estimated from the preceding year's tax bill on the home currently owned by the recipient. Amounts determined and paid on the basis of the preceding year's tax bill shall be redetermined when the current year tax bill is available and appropriate adjustments made in accordance with Sections 44-329, 44-331, 44-333, and 44-335.



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

OAS .3 Determining the Amount of Special Need (Continued)

The special need for property taxes for recipients who meet the criteria in Section 44-241.1 above shall be determined on a monthly basis as follows:

.31 Determine the amount of housing allowance to which the recipient is entitled in accordance with Section 44-207.1.

.32 Determine the recipient's housing and utility costs, other than property tax, for the month.

.33 Subtract the amount computed in .32 from the amount in .31. The remainder, or \$15, whichever is greater, is the amount of the recipient's monthly property tax which is being met in the housing allowance.

.34 Subtract the amount determined in .33 from 1/12 of the recipient's annual property tax bill or \$56.67, whichever is less. The remainder is the recipient's monthly allowable special need.

.4 Method of Payment

This special need is payable monthly or, at the election of the recipient, can be apportioned for payment in two installments to be paid in the months when property taxes are due.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

OAS

- .41 Recipients shall elect the method of payment at the time the special need for property taxes is first established and may change methods only by notifying the county prior to June 1 or December 1 of any year which shall determine the method for payment during the next six-month period commencing July 1 or January 1.
- .42 If payment is made in two installments, each installment shall be the sum of the monthly amounts to which the recipient would be entitled for the period covered by the installment payment. Any amount paid by installment which is later determined to be in error as a result of changes in the recipient's need or income shall be adjusted in accordance with Sections 44-329, 44-331, 44-333, and 44-335.
- .43 The amount of an installment payment shall not include any amount for taxes for any prior month during which the recipient was not receiving OAS assistance.
- .44 The total amount received by a recipient as a special need for property taxes for any fiscal year shall be the same, whether paid monthly or by installment.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AB  
APSB  
ATD  
OAS

## .2 Time of Delivery

.21 Regular aid payments to adult aid recipients shall be delivered monthly in advance as follows:

.211 When the first day of the following month is both a banking and postal delivery day, the warrants shall be placed in the mail in time to be received by the recipient not later than the first day of the month.

.212 When the first day of the following month is not both a banking and postal delivery day, the warrants shall be placed in the mail in order to be delivered on the last day of the preceding month that is both a banking and postal delivery day. Warrants delivered prior to the first day of the month shall be made payable as of such prior day.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued) 44-311

OAS

.113 Grant Maximum for the Aged

The grant maximum is \$223 unless there is need for attendant care or property taxes in which case an additional amount may be allowed as provided in Sections 44-239 and 44-241.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

OAS

.23 Attendant Care, Property Taxes, and Statutory Maximum - Recipient  
in Independent Living Arrangement

.231 Need Exceeds Statutory Maximum Because of Need for Attendant  
Services or Property Taxes (W&IC Sections 12152 and 12162)

If a recipient's total need for a month exceeds the statutory  
maximum for Old Age Security, as set forth in Section  
44-311, solely because of his need for attendant services  
or property taxes, his grant is determined by deducting his  
nonexempt income from his total need.

.232 Need Exceeds Statutory Maximum Because of Needs Other Than  
Attendant Services or Property Taxes but Recipient Also has  
Need for Attendant Services or Property Taxes

If a recipient's monthly need, exclusive of attendant services  
or property taxes, exceeds the statutory maximum and he also  
has need for attendant services or property taxes, his  
recognizable need for grant authorization purposes is determined  
by adding the need allowance for attendant services and property  
taxes to the statutory maximum. His grant is then determined  
by deducting his nonexempt income from the recognizable need  
so determined. The nonattendant service or nonproperty tax  
need in excess of statutory maximum may be met from county  
supplementation and/or voluntary contributions within the  
limitations specified in Section 44-111.42.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AB

.233 Need Exceeds Statutory Maximum Because of Need for Attendant Services (W&IC Section 12652)

If a recipient's total need for a month exceeds the statutory maximum for Aid to the Blind, as set forth in Section 44-311, solely because of his need for attendant services, his grant is determined by deducting his nonexempt income from his total need.

.234 Need Exceeds Statutory Maximum Because of Needs Other Than Attendant Services but Recipient Also has Need for Attendant Services

If a recipient's monthly need, exclusive of attendant services, exceeds the statutory maximum and he also has need for attendant services, his recognizable need for grant authorization purposes is determined by adding the need allowance for attendant services to the statutory maximum. His grant is then determined by deducting his nonexempt income from the recognizable need so determined. The nonattendant service need in excess of statutory maximum may be met from county supplementation add/or voluntary contributions within the limitations specified in Section 44-111.42.

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## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

March 26, 1973

RECEIVED FOR FILING

MAR 26 1973

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of CaliforniaMAR 26 1973  
APR 2 20 o'clock P. M.  
EDMUND G. BROWN Jr., Secretary of State  
By *Mervin R. Hershlager*  
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

Section 44-115.95

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on November 28, 1972, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy *David B. Swop*  
DAVID B. SWOAP, Acting Director

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 13 1973

Office of Administrative Hearings

**ENDORSED**  
APPROVED FOR FILING  
(Gov. Code 11380.2)

APR 13 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: April 13, 1973

By:

Acting Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

APR 13 1973

At 2:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Mervin R. Shubert*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

#### FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.2  
44-113.2  
31-204

Repeal:

Section 44-113.25  
44-114

DO NOT WRITE IN THIS SPACE



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 28.1 of the Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) established new statutory requirements concerning work-related expenses.
2. Subsequent to the enactment of this law, the case of Conover et al. v. Hall et al. was filed in the Superior Court of Sacramento County. This case relates to the provisions of Section 28.1.
3. The Director of Social Welfare has, since the enactment of the Welfare Reform Act of 1971, adopted emergency regulations implementing Section 28.1 and a preliminary injunction issued in the case of Conover et al. v. Hall et al.
4. Emergency regulations relating to work-related expenses have also been adopted to prevent undue hardship upon affected recipients and to equitably adjust the reimbursement or deduction of necessary costs of transportation.
5. On November 13, 1972 the Court of Appeal, in the case of Conover et al. v. Hall et al., upheld the validity of a standard allowance for work-related expenses. On January 19, 1973 plaintiff's request for a hearing before the California Supreme Court was granted.
6. Pending final resolution of this litigation, it is necessary to continue in force by the adoption of these emergency measures the work-related expense regulations previously adopted to permit counties to continue allowing the deduction of work-related expenses as provided by federal law and regulation.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS  
INCOME (Continued)

44-111

.2 Exemption of Earned Income — General

ATD  
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

44-113 NET INCOME (Continued)

44-113

.2 Earnings

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient

.211 Received Monthly or on Basis other than Recurring Lump Sum

a. As an Employee (Wages, Salary or Commissions)

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.231 and .232) from the amount determined in Item 2.
- (4) Any remainder is considered nonexempt net income.

DO NOT WRITE IN THIS SPACE

AB  
APSB  
ATD  
OAS  
AFDC  
MN

AB  
ATD  
OAS  
AFDC

**CONTINUATION SHEET**  
**FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113

44-113 NET INCOME (Continued)

AB  
 ATD  
 OAS  
 AFDC

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee.
- (2) Deduct business work expenses (see Section 44-113.233) from gross income. (See Section 44-113.1.)
- (3) Deduct the exempt income (see Section 44-111) from the amount determined in Item 2.
- (4) Deduct personal and nonpersonal work expenses (Section 44-113.231 and .232) from the amount determined in Item 3.
- (5) Any remainder is considered nonexempt net income.

.212 Received in Recurring Lump-Sum Payments (as an Employee or from Self-Employment)

- a. Determine gross income for the month (see Section 44-102).
- b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.231, .232 & .233) for the month using the same method used to allocate income in a.
- c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

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**CONTINUATION SHEET**  
**FILING ADMINISTRATIVE REGULATION**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-113 NET INCOME (Continued)**

APSB

**.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment)**

- a. Determine gross income from earnings or business.
- b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.231, .232 and .233) from the amount determined in Item a.
- c. Deduct from net income the exempt income (see Section 44-111.12).
- d. Any remainder is considered nonexempt income.

AB  
APSB  
ATD  
OAS  
AFDC

.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212, or .213 above, whichever is appropriate.

AB  
APSB  
ATD  
OAS

**.22 Earnings of Ineligible Spouse**

Net income received by an ineligible spouse from his own earnings is computed as follows:

- .221 Determine gross income from such earnings.
- .222 Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

- .223 Any remainder is considered net income of the spouse.

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**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB  
APSB  
ATD  
OAS  
AFDC

**.23 Work-Related Expenses** — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

**.231 Personal Expenses**

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

(b) Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such child care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient. In accordance with Section 30-156, child care expenses related to training are paid from administrative funds and not deducted from income.

(c) Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence and need for all costs claimed under this subsection.

(d) Transportation — The necessary costs of transportation to and from work shall be allowed as follows:

(1) If the recipient uses his own motor vehicle — 12 cents/mile less any amounts contributed by persons who ride with him. If the total amount contributed is greater than 12 cents/mile, the excess shall be net nonexempt income to the recipient.

(2) If the recipient rides in a private motor vehicle other than his own — the amount contributed by the recipient to the owner or driver of the motor vehicle, provided such amount is reasonable and does not exceed 6 cents/mile.

The amount allowed for transportation costs in any of the above situations may not exceed the actual cost of public transportation (bus, train or streetcar), if the county determines that it is available to the recipient.

**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB  
APSB  
ATD  
OAS  
AFDC

Personal Expenses

- (a) Costs for transportation to call on customers. See Section 44-113.231(d) above for limitations.
- (b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.
- (c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

**.233 Business Expenses** -- The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

AFDC

**.24 Other Deductions from Net Income**

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

**.241 Court-Ordered Support Payment by Natural Parent**

Deduction for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, shall be made not to exceed three months if the parent requests review of the order. If, upon review, the court orders continued support payments, the amount of the actual payment pursuant to the court order shall be deducted until the order is changed. In no instance shall the deduction allowed exceed the amount of the payment required by the court order.

**.242 Child's Income**

Only the amounts exempted under Section 44-111.23 and 44-111.24 may be deducted from a child's income.

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**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

AFDC  
ATD  
AB  
OAS

**31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM**

31-204

Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the Social Services system to:

- .1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service.
- .2 Make a specific plan for meeting the educational and training need through purchase of the service through other means such as a formal agreement with an administering institution.
- .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary.
- .4 Meet the allowable cost of expenses incurred by a participant in meeting the requirements of the program. If not provided by other agencies. Allowance for such expenses shall be the same as that outlined in Section 30-156.3 plus the reasonable and necessary costs of tuition, books, tools, and other supplies required by the program. The expenses shall be met from administrative funds only.
- .5 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to an educational and training project. The case shall remain in active service status unless the assessment of the social services system is that social services are not required.
  - .51 The decision that social services are not required shall be substantiated in the case record.
  - .52 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the social services system at least quarterly.
- .6 Pay allowable service-connected expenses on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for allowable service-connected expenses.

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**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective APR 13 1973

Section 44-113.25 Other Deductions from Net Income

44-114 DETERMINATION OF WORK-RELATED TRANSPORTATION  
EXPENSES

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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**APR 20 1973**

Office of Administrative Hearings

**ENDORSED**  
 APPROVED FOR FILING  
 (Gov. Code 11380.2)  
**APR 20 1973**

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: April 13, 1973

By: *David B. Sweep*  
 Acting Director

(Title)

**FILED**

In the office of the Secretary of State  
 of the State of California

**APR 20 1973**

At 9:20 o'clock a.m.

EDMUND G. BROWN Jr., Secretary of State

By: *Margaret R. Shubert*  
 Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

**FINDING OF EMERGENCY**

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-239.264

**DO NOT WRITE IN THIS SPACE**

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. A judgment entered by the Superior Court of Sacramento County on November 22, 1972 in an action entitled Joseph Leach v. Robert B. Carleson, No. 221559, declared that the provisions of EAS Manual Section ~~44-239.264~~ "are contrary to and conflict with the directive of the Legislature in Welfare and Institutions Code Section 13931 that recipients shall be entitled to aid sufficient to pay for the attendant care which the recipients require in amounts not in excess of \$300 per month."
2. On December 22, 1972 an emergency regulation was adopted to effectuate compliance with the judgment of the Superior Court.
3. It is necessary to adopt this regulation on an emergency basis to continue in force the regulation previously adopted to comply with the judgment of the Superior Court.

The regulation change set forth above is adopted as an emergency measure to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET**  
**FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS

- .264 In exceptional social circumstances the standard is the actual cost up to \$300. When two or more recipients in the same household require attendant services, no allowance shall be made to any such recipient for a service, such as housekeeping, which benefits another recipient in the household, to the extent that such service is provided for in the allowance of another such recipient or otherwise.

The total cost of the individual plan shall be carefully weighed in relation to the comparative cost of out-of-home care and the social gains that might be realized in helping the person remain in his own home. A reasonable financial plan shall be assured. Attendant care allowances in excess of \$150 for each recipient shall not be made if the resulting grant would be greater than the cost of the appropriate level of out-of-home care, unless exceptional circumstances warrant such an allowance. Exceptional circumstances shall be limited to the following:

- a. An attendant is needed to provide personal care for more than one recipient in the same household, or to act as a homemaker for a recipient who is an incapacitated parent with one or more children living in the home, or
- b. The recipient has very severe, relatively static disability and requires full-time, predominantly personal care, services in addition to those the family are able to provide, or
- c. A person who has lived alone must enter an out-of-home care facility to secure appropriate care but needs a full-time attendant during a short interim period while change is effected in the living plan.

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 17 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING

(Gov. Code 11380.2)

MAY 17 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: May 15, 1973

By:

*David B. Swapp*

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 17 1973

At 1:25 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By *Mary R. Hershberg*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

These regulations implement Welfare and Institutions Code Sections 11006.1 and 11450 as added or amended by Chapter 1406, Statutes of 1972. The nonfederal share of the resultant increase in grant costs will be assumed by the State under Welfare and Institutions Code Section 15204.1 as added by Chapter 1406. Therefore, these regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-207.1  
44-208.1  
44-311.111  
44-311.113  
44-315.411  
44-315.422

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Chapter 1406 of the Statutes of 1972 requires basic public assistance grants of AFDC, OAS, AB, APSB and ATD recipients to be increased \$2 per month commencing June 1, 1973.
2. In order to implement this law raising public assistance grants on June 1, 1973 it is necessary to adopt these regulations on an emergency basis.

The revision described above must therefore be adopted as an emergency measure to become effective June 1, 1973.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT –  
OWN HOME (Continued)

44-207

AB  
ATD  
OAS

**.1 NEEDS CHART – RECIPIENT LIVING IN HIS OWN HOME**

**.11 Recipient Lives Alone**

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 92.00	\$ 92.00	\$ 92.00
Minimum needs related to age, blindness or disability . . . . .	50.00	28.00	35.00
Chapter 1022, Statutes of 1972 increase . . . . .	12.00	12.00	12.00
Minimum housing need . . . . .	30.00		21.00
<b>TOTAL . . . . .</b>	<b>\$184.00</b>	<b>\$132.00</b>	<b>\$160.00</b>
Housing allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$0-33.00	\$0-63.00	\$0-42.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	\$184.00 217.00	\$132.00 195.00	\$160.00 202.00

<sup>1/</sup> For exceptions, see Section .21, below.

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CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —  
OWN HOME (Continued)

44-207

AB  
ATD  
OAS

.12 Recipient in Shared Living Arrangement

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 92.00	\$ 92.00	\$ 92.00
Minimum need related to age, blindness or disability . . . . .	50.00	23.00	35.00
Chapter 1022, Statutes of 1972 increase . . . . .	12.00	12.00	12.00
Minimum housing need . . . . .	30.00	--	21.00
TOTAL . . . . .	\$184.00	\$127.00	\$160.00
Housing allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$0-15.00	\$0-45.00	\$0-24.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	\$184.00 199.00	\$127.00 172.00	\$160.00 184.00

<sup>1/</sup> For exceptions, see Section .21, below.

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(Pursuant to Government Code Section 11380.1)

44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
BOARD AND ROOM

44-208

AB  
ATD  
OAS

.1 Needs Chart — Recipient Living in Board and Room Arrangement

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 55.00	\$ 55.00	\$ 55.00
Minimum needs related to age, blindness or disability . . . . .	41.00	23.00	28.00
Chapter 1022, Statutes of 1972 increase . . . . .	12.00	12.00	12.00
Minimum board and room . . . . .	76.00	--	65.00
TOTAL . . . . .	\$184.00	\$90.00	\$160.00
Board and room allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$0-26.00	\$0-87.00	\$0-37.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	\$184.00 210.00	\$ 90.00 177.00	\$160.00 197.00

<sup>1/</sup> See exception in .2, below.

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(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued) 44-311

.111 Grant Maximum for the Blind

AB

The grant maximum is \$234 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued) 44-31

OAS

.113 The grant maximum is \$225 unless there is need for attendant care or property taxes in which case an additional amount may be allowed as provided in Sections 44-239 and 44-241.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.411 Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

## Size of FBU

## Maximum Aid

1	\$117
2	192
3	237
4	282
5	322
6	362
7	397
8	432
9	467
10 or more	502

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU  
(Per Section 44-213.3)

Maximum Amount for  
Recurring Special Needs

1	\$ 8
2	18
3	18
4	32
5	40
6	46
7	52
8	64
9	76
10	88

Zero Basic Grant Cases - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 17 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

MAY 17 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: May 15, 1973

By: *David B. Sweep*

Acting Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 17 1973

At 1:25 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Marjorie R. Strickland*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

The Welfare Reform Act of 1971 amended Welfare and Institutions Code Section 11453 to require cost-of-living adjustments in the amounts set forth in Welfare and Institutions Code Sections 11450, Subdivision (a) and 11452, such adjustments to become effective July 1, 1973. These regulations implement that legislative mandate. Therefore, these regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

#### FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 42-303  
44-115.91  
44-115.93  
44-212.2  
44-315.411  
44-315.422  
44-115.94

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CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578 of the Statutes of 1971) added Section 11453 to the Welfare and Institutions Code requiring annual cost-of-living adjustments, commencing July 1, 1973, to the AFDC maximum aid table (Section 11450(a)) and to the AFDC minimum basic standards of adequate care (Section 11452).
2. In order to implement the cost-of-living adjustment in the AFDC program on July 1, 1973 as directed by Section 11453, it is necessary to adopt these regulations on an emergency basis.

The revision described above must therefore be adopted as an emergency measure to become effective July 1, 1973.

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**42-303 AFDC REQUIREMENTS**

42-303

**AFDC** An applicant or recipient is financially eligible during any month in which his gross income minus the exemptions and deductions set forth in .1 and .2 below is less than the corresponding level of the Basic Standard of Adequate Care.

Number of Persons  
Within the FBU

Basic Standard of  
Adequate Care

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

\$128  
216  
262  
322  
372  
419  
461  
509  
558  
606

Plus five dollars (\$5) for each additional person within the FBU.

**44-115 EVALUATION OF INCOME IN KIND (Continued)**

44-115

**AFDC**

**.91 Housing**

- a. one-person FBU — \$56/per month
- b. two-person FBU — \$76/per month
- c. three-person FBU — \$83/per month
- d. four-person or larger FBU — \$88/per month

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC

.93

Food

- |                               |                 |
|-------------------------------|-----------------|
| a. one-person FBU —           | \$31/per month  |
| b. two-person FBU —           | \$68/per month  |
| c. three-person FBU —         | \$87/per month  |
| d. four-person FBU —          | \$107/per month |
| e. five-person FBU —          | \$129/per month |
| f. six-person FBU —           | \$150/per month |
| g. seven-person FBU —         | \$167/per month |
| h. eight-person FBU —         | \$183/per month |
| i. nine-person FBU —          | \$200/per month |
| j. ten-person or larger FBU — | \$216/per month |

.94 Clothing

- |                               |                |
|-------------------------------|----------------|
| a. one-person FBU —           | \$10/per month |
| b. two-person FBU —           | \$19/per month |
| c. three-person FBU —         | \$28/per month |
| d. four-person FBU —          | \$38/per month |
| e. five-person FBU —          | \$47/per month |
| f. six-person FBU —           | \$56/per month |
| g. seven-person FBU —         | \$65/per month |
| h. eight-person FBU —         | \$75/per month |
| i. nine-person FBU —          | \$84/per month |
| j. ten-person or larger FBU — | \$94/per month |

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE (Continued)**

**44-212**

**AFDC**

- .2 The minimum basic standard of adequate care set forth in W&I Code, Section 11452, and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU  
(per 44-213.3 and .4)

Minimum Basic Standard of  
Adequate Care

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

\$128  
216  
262  
322  
372  
419  
461  
509  
558  
606

plus \$5 for each additional needy person

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.411 Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

Size of FBU	Maximum Aid
1	\$120
2	197
3	243
4	290
5	331
6	372
7	408
8	444
9	480
10 or more	516

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU  
(Per Section 44-213.3)

Maximum Amount for  
Recurring Special Needs

1	\$ 8
2	19
3	19
4	32
5	41
6	47
7	53
8	65
9	78
10	90

Zero Basic Grant Cases - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

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(Pursuant to Government Code Section 11380.1)

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JUN 29 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

JUN 29 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: June 29, 1973By: Linda B. Swapp

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUN 29 1973

At 1:00 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: Frank J. Kond  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Chapter 30-150 - Now Section 30-150

Repeal: Section	10-007.1	10-050	10-219	Chapter 30-000
	10-007.2	10-051	10-221	30-050
	10-077.3	10-053	10-301	30-100
	10-007.31	10-070	10-302	30-200
	10-031.2	10-071	10-303	30-210
	10-032	10-072	10-304	30-220
	10-033	10-073	10-305	30-250
	10-034.1	10-201.1	10-306	30-300
	10-034.2	10-201.3	10-307	30-350
	10-034.3	10-203	10-308	30-400
	10-034.6	10-204.2	43-117	30-500
	10-034.7	10-207	43-119	31-200
	10-034.8	10-211		31-350
	10-035	10-213		
	10-036	10-217		

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

Adopt: Chapter 30-100	Section 43-117
30-200	43-121
31-200	43-123
33-100	43-125
33-200	43-127
Section 30-151.524	43-129

Renumber: Section 10-007.1 (from former Section 10-007.32)  
10-034.1 (from former Section 10-034.4)  
10-034.2 (from former Section 10-034.5)  
10-201.1 (from former 10-201.2)  
10-201.2 (from former 10-201.4)

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On April 30, 1973 the Department of Health Education and Welfare promulgated revised regulations concerning service programs for families and children and for aged, blind or disabled individuals (38 Fed. Reg. 10782 et seq).
2. These federal regulations are effective July 1, 1973.
3. In order to bring state regulations into conformity with the revised federal requirements on July 1, 1973, it is necessary to adopt these regulations on an emergency basis.

The regulations changes set forth above are adopted as emergency measures to become effective on July 1, 1973.

These regulations shall expire, and shall have no force or effect, from and after the effective date of any legislation enacted and approved by the President, if said legislation contains provisions amending or affecting Section 1130 of the Social Security Act or which would cause a delay or modification of the services regulations adopted by the Department of Health, Education, and Welfare as published in the Federal Register on May 1, 1973. If the above condition occurs, the services regulations of the State Department of Social Welfare in effect on June 30, 1973 shall again become effective as of the effective date of such federal legislation.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**10-007 DEFINITIONS**

**10-007**

**.1 Income Maintenance**

Activities undertaken in determining eligibility for and granting benefits available through the categorical assistance and Medi-Cal programs; activities directed toward assisting individuals to obtain income and to meet subsistence needs from other resources (e.g., Social Security, Veteran's Administration, State Disability Insurance, Workmen's Compensation, relatives, pension plans, food stamps, etc.).

**10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE CONTRACTORS**

**10-034**

**.1 Purchase of Vocational Rehabilitation and Employment Services**

**.11** ☒ Services authorized under the Vocational Rehabilitation Act shall be obtained from the State Vocational Rehabilitation Agency when that agency is willing and able to provide them. They may be purchased from another source only when they are not obtainable from the State Vocational Rehabilitation Agency.

**.12** ☐ The Department of Human Resources Development shall have primary responsibility for all placement and employment services provided to welfare recipients. Under the circumstances described below, employment services may also be purchased from private employment agencies under a purchase of service contract.

**.121** ☐ Such contract shall meet all applicable conditions in Section 10-034.3.

**.122** ☐ The service shall be provided without any charge to the welfare recipient.

**.123** ☐ Once a recipient is placed in employment by a private employment agency, further purchase of service for this recipient from any private employment agency shall be precluded for a period of six months from the date of placement.

**.124** ☐ A recipient appropriate for referral to WIN (Section 30-162) shall not be referred to a private employment agency unless the Department of Human Resources Development states in writing on Form CA 331 that he cannot be served by WIN. Such notification constitutes a release of the recipient from the WIN program.

**.125** ☐ For all recipients in non-WIN counties and for recipients not appropriate for referral to WIN in WIN counties, the services of a private employment agency shall be used only where the Department of Human Resources Development states in writing on Form CA 331 that it is unable to obtain appropriate employment for the recipient.

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Effective July 1, 1973

**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE  
CONTRACTORS (Continued)

10-034

2 Exclusions from Reimbursement

Payments for subsistence (including payments for foster care), i.e., items of individual or family need normally included as basic or special needs in assistance payments (see Section 44-265.2), and medical or remedial care are not subject to reimbursement as services costs.

.21 Services purchased may include subsistence and medical care items when they are provided as essential components of a comprehensive service program of a facility and their costs are not separately identifiable (e.g., in a rehabilitation center or a day care facility).

.22 Services purchased may include medical and remedial care and services as part of family planning services and required medical examinations for persons caring for children under welfare department auspices when not otherwise available.

10-201 ORGANIZATION (Continued)

10-201

1 Special Unit for Blind Aid

Administration of Aid to the Blind and Potentially Self-Supporting Blind shall be through a specialized bureau, provided the county has a caseload of 250 or more recipients of AB and APSB (W&IC 12506). In a county with such a specialized bureau, the separation of eligibility and service functions shall be accomplished within the bureau.

2 Separate Administrative Unit for Certification for Employment, Manpower Services and Training

Each county shall establish a Separate Administrative Unit to provide or arrange for self-support services for employable AFDC applicants and recipients.

This requirement is not applicable in counties where there is no Department of Human Resources Development office or where the Director of the State Department of Social Welfare has determined that the AFDC caseload is too small.

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Effective July 1, 1973

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(Pursuant to Government Code Section 11380.1)

DIVISION 30    REQUIRED SERVICE PROGRAMS

CHAPTER 30-100    REQUIRED SERVICES FOR FAMILIES AND CHILDREN

30-110    DAY CARE SERVICES.

30-110

Day care services for children shall be provided for the purpose of enabling eligible parents or other caretaker relatives to participate in employment or vocational training; preventing child neglect in the event of the death, incapacity, or continued absence of the child's mother; and eliminating or reducing the need for institutional care for mentally retarded children by meeting the special needs of the children and their parents.

.1 Definitions

.11 Day Care Services

- .111 Day care services include the arrangement for and the provision of care for a child in his own home or in a day care facility. Day care shall be provided for not less than one hour nor in excess of eleven hours per 24-hour period except under unusual circumstances.

These services may include the provision of medical examinations required for admission to certain day care facilities when such examinations are not available through Medi-Cal or otherwise without cost.

- .112 Day care shall be provided by the social services system only in the following circumstances:

- (a) The county has determined that no member of the child's family is available to provide care.

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-110 DAY CARE SERVICES (Continued)

30-110

- (b) The county has determined that day care is necessary to implement a self-support goal which requires the parent or relative other caretaker/ to engage in employment or training.
- (c) The county has determined that day care is necessary for current applicants and recipients to implement a self-sufficiency goal by:
- (1) Assuring adequate care for a child who is neglected or in danger of neglect due to the death, continued absence, or the incapacity of the mother to provide adequate care.
- (2) Relieving the parent, for a portion of the day, of the continuous care which a mentally retarded child may require.

.12 Day Care Facilities

.121 Definition

A day care facility is a facility in which a child receives care outside his home. These facilities must be licensed or meet the licensing standards set forth in the California Administrative Code, Title 22, Division 2, Chapter 4.

.122 Common Examples of Day Care Facilities

Some common examples of day care facilities are:

Effective July 1, 1973

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

30-110 DAY CARE SERVICES (Continued)

30-110

- (a) Children's Centers operated under the direction of the State Department of Education.
- (b) Family Day Care Homes.
- (c) Day Nurseries.
- (d) County operated Family Day Care Homes.

.13 In-Home Care

.131 Definition

In-home care is that care provided/by a person/directly responsible  
in the child's home who is  
and or the county.  
to the parent(s) employed by the parent(s)

(This definition applies whether the cost of care is reimbursed through direct payment to the recipient or by vendor payment to the person providing in-home care.)

.132 Requirements and Limitations

- (a) The person providing in-home care must demonstrate the ability to meet the physical and emotional needs of the children, including their proper feeding and health care.
- (b) No more than six preschool children, including the children of the person providing in-home care, shall be cared for at one any/time.

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Effective July 1, 1973



CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-110 DAY CARE SERVICES (Continued)

30-110

- (c) No more than two children under age two shall be cared for at any one time unless additional child care or household help is provided to the person providing in-home care.

.2 Persons Served

Persons eligible for child care services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230, except that children of families otherwise eligible as potential recipients may receive day care only if gross family income less \$30 does not exceed 233 1/3 percent of the appropriate AFDC Maximum Aid Standard. Payment by the parent or other caretaker/relative shall be in accordance with the fee scale prescribed by the State.

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Effective July 1, 1973

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-120 FAMILY PLANNING SERVICES

30-120

Family planning services are to be provided for the purpose of enabling  
(including minors who can be considered to be sexually active)  
eligible persons/to determine the number and spacing of births, promote  
maternal and child health, and prevent or reduce the incidence of out-of-  
wedlock births and unplanned pregnancies through voluntary birth control.

.1 Definition

Family planning services include:

- .11 Printed and graphic materials, group discussions, and individual interviews which provide information about and discussion of family planning services.
- .12 Assistance in utilizing educational resources available in the community.
- .13 Providing for medical contraceptive services which includes both medical examinations and supplies.

.2 Persons Served

Persons eligible for family planning services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

All persons age 15 or older who are eligible for family planning services shall be promptly offered family planning services and such services shall be provided upon request. The consent of no other person shall be required.

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(Pursuant to Government Code Section 11380.1)

30-120 FAMILY PLANNING SERVICES (Continued)

30-120

.2 Persons Served (Continued)

Medical contraceptive services shall be provided by Medi-Cal when there is Medi-Cal coverage. Any person who lacks Medi-Cal coverage but is otherwise eligible under this section shall be assisted in securing medical contraceptive services which will be purchased by the agency with services funds.

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Effective July 1, 1973

**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-130 FOSTER CARE SERVICES

30-130

The objectives of foster care services for children are to provide for the placement of children in foster care when their interests are not best served by remaining in their own home or in a relative's home; to improve home conditions and resolve the problems that resulted in the need for placement by providing to parents or other responsible relatives counseling and other appropriate services; to enable children to return to their own homes or to homes of relatives as soon as feasible, and to provide counseling services following the return; and to develop arrangements (e.g., adoption) for the child's future care through work with the appropriate persons when a child's return to his own home or to a relative's home is not possible.

.1 Definition

Foster care services include:

- .11 Providing needed services to a child awaiting placement.
- .12 Locating, evaluating and selecting a suitable home or facility.
- .13 Placing a child in a foster home or group care facility.
- .14 Making written agreements between the county welfare department and the foster parents (or the director of the group facility) which state their respective responsibilities and the foster care rate.

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

30-130 FOSTER CARE SERVICES (Continued)

30-130

- .15 Counseling with foster parents or group care facility staff to promote an understanding of the reasons for placement of each specific child.
- .16 Assuring appropriate care by supervising the care of a child in the foster home or the group facility. (This includes children relinquished for adoption who require long-term foster care because an adoptive home has not yet been found or the child is not ready for adoption.)
- .17 Counseling with parents or other responsible relatives to identify and resolve the problems which resulted in need for placement.
- .18 Counseling with the parents or relatives and the child to facilitate a return home as soon as feasible.

Foster care services do not include activities of the foster home or facility in providing care and supervision of the child during the period of placement of the child in the home or facility.

.2 Foster Care Home or Group Care Facility

A foster care home or a group care facility is one which:

- .21 Meets the particular needs of a given child, and
- .22 Is licensed or is certified as meeting those standards established for such licensing, and

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(Pursuant to Government Code Section 11380.1)

30-130 FOSTER CARE SERVICES (Continued)

30-130

.23 Assures that no dependent child resides in a facility with a delinquent child (see Welfare and Institutions Code Section 506).

.3 Persons Served

Foster care services are available to:

.31 A parent or legal guardian of:

.311 A child for whom there has been a judicial determination that continuation of care of the child in his own home would be contrary to his welfare, or

.312 A child for whom placement has been requested by his legal guardian (a parent, other individual or agency having custody of the child and authority to arrange for the child's future care) ;

and

.313 The objective of the foster care placement is for the child to return to his own home or the home of another relative, and

.314 The child's parent or legal guardian is a current applicant or recipient, a former recipient or potential recipient within the definitions and limitations set forth in Section 33-230.

.32 A child who comes within the provisions of Welfare and Institutions Code Sections 11250 and 11251 and to the extent that funds are available as provided in Welfare and Institutions Code Section 11251.1.

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(Pursuant to Government Code Section 11380.1)

CHAPTER 30-150 - EMPLOYMENT, MANPOWER SERVICES OR TRAINING

NOW

SECTION 30-150 - EMPLOYMENT, MANPOWER SERVICES OR TRAINING

30-151 REGISTRATION FOR EMPLOYMENT, MANPOWER SERVICES OR  
TRAINING (Continued)

30-151

.524 With respect to non-WIN participants, assisting the individual  
to secure:

- (a) vocational, educational, social, or psychological  
assessments, when in the judgment of the county such  
assessments are necessary to determine potential for  
employment or job training.
- (b) vocationally oriented education or training, excluding  
the cost of such education and training unless these  
costs are financed with county funds only.

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(Pursuant to Government Code Section 11380.1)

30-160 HEALTH RELATED SERVICES

30-160

The objectives of health related services are to assist families achieve maximum potential for self-support and self-sufficiency; to facilitate the identification of health needs; and to assist parents and children in securing needed services which are available through Medi-Cal, maternal and child health programs, handicapped children's programs and other public and private agencies providing health services.

.1 Definition

Health related services include:

- .11 Helping families secure needed health care.
- .12 Assisting families to utilize special screening, diagnosis and treatment programs for their children.
- .13 Planning as appropriate with the families and the health providers to help assure continuity of treatment and carrying out health recommendations.
- .14 Assisting such family members to secure admission to medical institutions and other health-related facilities.

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(Pursuant to Government Code Section 11380.1)

30-160 HEALTH RELATED SERVICES (Continued)

30-160

.2 Persons Served

Persons eligible for health related services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

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CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

30-170 PROTECTIVE SERVICES

30-170

Child protective services are for the purpose of ensuring that the rights or physical, mental, or moral welfare of children are not violated or threatened by neglect, abuse, exploitation or other present circumstances. Directed toward this objective is the strengthening of parental ability to provide acceptable care. Appropriate courts or law enforcement agencies shall be informed when the situation requires it.

.1 Definition

Protective services include:

- .11 The prompt intervention to alleviate danger in critical situations and the institution of corrective actions to prevent recurrence of the hazard. The county welfare department shall arrange for emergency response to community requests for service made after office hours and during weekends and holidays.
- .12 Assistance to parents in recognizing the causes of neglect, abuse, or exploitation of a child and in strengthening the ability for parental care through provision of social services and related services.
- .13 The provision of substantiated evidence of neglect, abuse, or exploitation of a child to appropriate courts or law enforcement agencies, including relevant data about those situations in which parents are not able to provide acceptable care.

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(Pursuant to Government Code Section 11380.1)

30-170 PROTECTIVE SERVICES (Continued)

30-170

.2 Persons Served

Persons eligible for protective services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

.21 In addition, nonaided, nonlinked families may be served when one or more of the following situations exist:

.211 The child does not have parents, proper guardians or custodians.

.212 The child is being neglected, abused or exploited.

.213 The general welfare of the child is being damaged by the conduct of parents, guardians, or custodians whether willfully or otherwise.

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(Pursuant to Government Code Section 11380.1)

CHAPTER 30-200    REQUIRED SOCIAL SERVICES FOR ADULTS

30-210    FAMILY PLANNING SERVICES

30-210

Family planning services are to be provided for the purpose of enabling eligible persons to determine the number and spacing of births; to promote maternal and child health; and to prevent or reduce the incidence of out-of-wedlock births and unplanned pregnancies through voluntary birth control.

.1    Definition

Family planning services include:

- .11    Printed and graphic materials, group discussions, and individual interviews which provide information about and discussion of family planning services.
- .12    Assistance in utilizing educational resources available in the community.
- .13    Assistance in securing medical contraceptive services which includes both medical examinations and supplies.

.2    Persons Served

Persons eligible for family planning services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

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(Pursuant to Government Code Section 11380.1)

30-210 FAMILY PLANNING SERVICES (Continued)

30-210

.2 Persons Served (Continued)

Persons who are eligible for family planning services shall be promptly offered family planning services and such services provided upon request. The consent of no other person shall be required.

Medical contraceptive services shall be provided by Medi-Cal when there is Medi-Cal coverage. Any person who lacks Medi-Cal coverage but is otherwise eligible under this section shall be assisted in securing medical contraceptive services which will be purchased by the agency with services funds.

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(Pursuant to Government Code Section 11380.1)

30-220 HOMEMAKER SERVICES

30-220

Homemaker services are for the purpose of enabling adults to remain in or return to their own homes and to help maintain or strengthen their capacities in the areas of limited personal care and household management.

.1 Definition

Homemaker services includes the care of a physically or mentally handicapped individual who is unable to adequately care for himself, and helping him to maintain, strengthen and safeguard his functioning in his own home through the services of a trained and supervised homemaker.

.2 Persons Served

Persons eligible for homemaker services are current recipients of OAS, AB and ATD, except those recipients who are receiving an allowance for attendant services under EAS Manual Section 44-239.

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(Pursuant to Government Code Section 11380.1)

30-220    HOMEMAKER SERVICES (Continued)

30-220

.3    Cost Limitation

The cost of homemaker services, or the combined cost of homemaker and chore services when a recipient receives both, shall not exceed \$300 per month per household. Within this limitation, the following restrictions apply in cases where homemaker services are provided by a contractor under a purchase agreement:

.31    The cost of services purchased shall not exceed by more than 5 percent the average cost of the service being performed by staff employed by a public agency; and

.32    A maximum hourly rate of payment to contractors providing such services shall be established subject to approval by the State as part of the county plan.

.4    Cost Control

Expenditures for homemaker services shall be subject to monitoring by the State according to established standards and may be subject to prior authorization.

.5    Implementation

Homemaker services must be available to all eligible recipients no later than January 1, 1974.

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(Pursuant to Government Code Section 11380.1)

30-230 CHORE SERVICES

30-230

Chore services are provided for the purpose of enabling adults to remain in their own homes in cases where they are unable to perform essential housekeeping tasks.

.1 Definition

Chore services include the performance of household tasks, essential shopping, simple household repairs, or other light work necessary to enable an individual to remain in his own home when he is unable to perform such tasks himself and the services of a trained homemaker or other specialist are not required.

.2 Persons Served

Persons eligible to receive chore services are current recipients of OAS, AB and ATD, except those recipients who are receiving an allowance for attendant services under EAS Manual Section 44-239.

.3 Cost Limitation

Except as provided below, the maximum allowance for chore services shall be \$100 per month per household. A maximum hourly rate of payment to contractors providing such services shall be established, subject to approval by the State as part of the county plan.

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(Pursuant to Government Code Section 11380.1)

30-230 CHORE SERVICES (Continued)

30-230

.3 Cost Limitation (Continued)

In exceptional social circumstances the standard is the actual cost up to \$300 per household, including the cost of homemaker services for recipients who receive both chore and homemaker services. When two or more recipients in the same household require chore services, no allowance shall be made to any such recipient for that portion of the service which benefits any other recipient in the household, to the extent that such service is provided for in the allowance of another such recipient or otherwise.

.4 Cost Control

Expenditures for chore services shall be subject to monitoring by the State according to established standards and may be subject to prior authorization.

.5 Implementation

Chore services must be available to all eligible recipients no later than January 1, 1974.

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(Pursuant to Government Code Section 11380.1)

30-240 PROTECTIVE SERVICES

30-240

Protective services are for the purpose of protecting an individual from hazardous living conditions, neglect, exploitation, or other conditions caused by the individual's inability to act in his own behalf or to care for himself.

.1 Definition

Protective services include prompt intervention to alleviate danger and the institution of corrective actions to assist persons living in dangerous or vulnerable situations through provision of social services and related services.

.2 Persons Served

Persons eligible for protective services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

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(Pursuant to Government Code Section 11380.1)

DIVISION 31    OPTIONAL DEFINED SERVICES

CHAPTER 31-200    OPTIONAL DEFINED SERVICES FOR ADULTS

31-205    DAY CARE SERVICES

31-205

Day care services for adults are for the purpose of providing a protective setting for adults which will improve their self-sufficiency and ability to remain in their own homes or prevent out-of-home placement.

.1    Definition

Day care services means care in a protective setting in a facility licensed or approved by a state or local agency. Day care facilities may provide for personal supervision, education, recreation, training in skills, and self-care or self-sufficiency.

.2    Persons Served

Persons eligible for day care services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-210    EDUCATIONAL SERVICES

31-210

Educational services are for the purpose of improving an individual's functioning and his ability to function as a member of the community.

.1    Definition

Educational services are those services which help an individual secure educational training appropriate to his capacities from available community resources.

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(Pursuant to Government Code Section 11380.1)

31-210 EDUCATIONAL SERVICES (Continued)

31-210

.2 Persons Served

Persons eligible for educational services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-215 EMPLOYMENT SERVICES

31-215

Employment services are for the purpose of assisting eligible persons toward full or partial self-support and a consequent reduction or termination of public assistance dependency.

.1 Definition

Employment services means:

.11 Providing persons with or assisting them in securing vocational, educational, social, or psychological assessments in order to determine their potential for employment or job training.

.12 Assisting individuals determined to have employment potential to secure vocational education or training available in the community.

.2 Persons Served

Persons eligible for employment services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

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(Pursuant to Government Code Section 11380.1)

31-220 HEALTH RELATED SERVICES

31-220

The objectives of health related services are to help individuals achieve maximum potential for self-support, self-care and self-sufficiency; to facilitate the identification of health needs; and to assist aged, blind, and disabled individuals in securing needed services available under Medi-Cal, Medicare and other public or private programs providing health services.

.1 Definition

Health related services are activities directed toward:

- .11 Helping individuals secure needed health care;
- .12 Planning as appropriate with the individuals and the health providers to help assure continuity of treatment and carrying out health recommendations; and
- .13 Assisting such individuals to secure admission to medical institutions and other health-related facilities.

.2 Persons Served

Persons eligible for health related services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

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(Pursuant to Government Code Section 11380.1)

31-225 HOME DELIVERED OR CONGREGATE MEALS

31-225

Home delivered or congregate meals are for the purpose of assuring an individual adequate nutritional care when circumstances prevent him from either purchasing or preparing meals for himself.

.1 Definition

Home delivered or congregate meals means the preparation and delivery of hot meals to an individual in his own home or in a central dining facility as necessary to prevent institutionalization or malnutrition.

.2 Persons Served

Persons eligible for home delivered or congregate meals are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-230 HOME MANAGEMENT AND OTHER FUNCTIONAL EDUCATIONAL SERVICES 31-230

The objective of home management and other functional educational services is to help individuals manage their household responsibilities in a manner which permits them to enjoy safe and healthful housing.

.1 Definition

Home management and other functional educational services consists of formal or informal instruction and training in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child rearing, and health maintenance.

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(Pursuant to Government Code Section 11380.1)

31-230 HOME MANAGEMENT AND OTHER FUNCTIONAL EDUCATIONAL SERVICES 31-230  
(Continued)

.2 Persons Served

Persons eligible for home management and other functional educational services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-235 HOUSING IMPROVEMENT SERVICES 31-235

Housing improvement services are provided to enable persons to obtain or retain adequate housing.

.1 Definition

Housing improvement services are services designed to help individuals obtain or retain adequate housing directly or indirectly by:

- .11 Providing information on housing sources or housing referral services.
- .12 Counseling individuals on relative advantages of housing available.
- .13 Informing individuals of their rights and duties as tenants or owners.
- .14 Cooperating with local agencies, professional groups and citizen groups in housing code development, improvement and enforcement.

The cost of housing improvement services defined above <sup>does</sup> not include housing and relocation costs, such as construction, renovation and

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(Pursuant to Government Code Section 11380.1)

31-235 HOUSING IMPROVEMENT SERVICES (Continued)

31-235

.1 Definition (Continued)

costs of  
repair, moving of families or individuals, rent, deposits, and home  
purchases.

.2 Persons Served

Persons eligible for housing improvement services are current applicants  
and recipients, former recipients and potential recipients within the  
definitions and limitations set forth in Section 33-230.

31-240 LEGAL SERVICES

31-240

Legal services are provided to help individuals in solving legal problems  
to the extent necessary to obtain or retain employment.

.1 Definition

Legal services means the services of a lawyer in solving legal problems  
of eligible individuals to the extent necessary to obtain or retain  
employment. This includes helping the client obtain and make use of  
the legal service he needs in order to assure that appropriate legal  
action results. Excluded from this definition are all <sup>other</sup> legal services,  
including fee generating cases, criminal cases, class actions, community  
organization, lobbying, and political action.

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(Pursuant to Government Code Section 11380.1)

31-240    LEGAL SERVICES (Continued)

31-240

.2   Persons Served

Persons eligible for legal services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-245    FOSTER CARE SERVICES

31-245

Foster care services are intended to assist in locating suitable living arrangements or other protective placement for adults who cannot remain in, or return to, their own homes.

.1   Definition

Foster care services for adults means placement of an individual in a substitute home, institution or other facility for 24-hour care which is suitable to his needs. This includes locating, evaluating and selecting the most appropriate facility. There shall be ongoing services to the person in placement and supervision of the home as needed and a review of the placement at least annually to determine its continued appropriateness.

Foster care services do not include activities of the home in providing care or supervision of the individual during the period of placement in the home.

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31-245 FOSTER CARE SERVICES (Continued)

31-245

.2 Persons Served

Persons eligible for foster care services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-250 SPECIAL SERVICES FOR THE BLIND

31-250

Special services for the blind are for the purpose of helping blind individuals alleviate the problems of blindness and encouraging them to become self-supporting or self-sufficient.

.1 Definition

Special services to the blind means helping to alleviate the handicapping effects of blindness through:

- .11 Training in mobility, personal care, home management, and community skills;
- .12 The use of special aids and appliances;
- .13 Special counseling for caretaking of blind children and adults;
- .14 Help in securing talking-book machines;
- .15 Identifying the specific blindness related problems for which physical, social and economic help is needed and determine their priority.

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(Pursuant to Government Code Section 11380.1)

31-250 SPECIAL SERVICES FOR THE BLIND (Continued)

31-250

.16 Examining the changes in the individual's activities, behavior or attitude which may remove or reduce the problem.

.2 Persons Served

Persons eligible for special services for the blind are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

31-255 TRANSPORTATION SERVICES

31-255

The purpose of transportation services is to make available necessary transportation to and from community facilities and resources which provide the services being utilized.

.1 Definition

Transportation services includes:

.11 Transportation necessary to travel to and from community facilities or resources for receipt of required or optional services.

.12 Assisting the individual to determine the most appropriate means of transportation and sources for obtaining the transportation needed.

.2 Persons Served

Persons eligible for transportation services are current applicants and recipients, former recipients and potential recipients within the definitions and limitations set forth in Section 33-230.

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(Pursuant to Government Code Section 11380.1)

DIVISION 33 SERVICES STANDARDS AND ADMINISTRATION

CHAPTER 33-100 ORGANIZATION AND ADMINISTRATION

33-110 GENERAL

33-110

- .1 The social services system of the county welfare department shall function independently of the assistance payments system, and shall have the capability for direct provision of services or for obtaining services from other community resources.
- .2 All services shall be directed to specific basic goals, provided by social services staff supported by paraprofessionals and volunteers.
- .3 The population served consists primarily of current recipients of public assistance.

33-115 ORGANIZATIONAL STRUCTURE

33-115

Social service policy control and program supervision shall be under the direction of a chief officer.

There shall be a single unit responsible for the provision of the same quality of social services to both AFDC and CWS cases.

33-120 STAFFING

33-120

- .1 The county welfare department shall have a clearly defined staffing plan to assure that the appropriate assignment and optimum utilization of properly classified personnel to competently perform the assessment and counseling functions most likely to achieve the desired objectives.

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(Pursuant to Government Code Section 11380.1)

33-120 STAFFING (Continued)

33-120

- .11 There must be adequate numbers of services staff to skillfully and expeditiously carry out a plan for services in attaining self-support and self-sufficiency goals with the greatest cost/benefit ratio.
- .12 The county welfare department's staffing plan shall take into consideration the difficulty of problems to be resolved by providing for differential workloads.
- .13 The provisions by the county welfare department for a staff development plan shall include:
  - .131 Orientation and on-the-job training.
  - .132 Development of a personnel appraisal policy which involves individual the services personnel in the appraisal of competency.
  - .133 Provision for staff to participate in workshops, institutes and conferences which will contribute to knowledge and skill in effecting the goals of public social services.
- .2 Aides shall be used to enrich the delivery of service by the county welfare department, improve services to poor people and provide employment to low income families.
- .21 Preference shall be given to current, former, and potential recipients and other persons of low income in the filling of Aide positions. Persons to be employed should have the capacity to deal realistically with practical problems relating to welfare recipients. There shall be no formal educational requirements for these positions.

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(Pursuant to Government Code Section 11380.1)

33-120 STAFFING (Continued)

33-120

- .22 Career service opportunities which permit individuals employed as Aides to progress to positions of increasing responsibility and remuneration as a result of successful work experience, preservice and inservice training, and educational leave with pay shall be made available.
- .23 Responsibility for the ongoing development and extension of the use of Aides shall be assigned to a specific member of the staff of county welfare the/department.
- .3 Volunteers shall be recruited and utilized, including senior citizens and young people wherever feasible, in the provision of services and assisting appropriate advisory committees. The county's plan for the use of volunteers shall be approved by resolution by the Board of Supervisors as required in Welfare and Institutions Code Section 10616.
- .31 The nature and purpose of the services to be provided by volunteers and the persons or groups to be served shall be defined.
- .32 Procedures for recruitment, selection, training, and assignment of volunteers shall be established.
- .33 Reimbursement of expenses of volunteers shall be provided as appropriate.
- .34 Safeguards which maintain confidentiality, protect the recipient's right to privacy, and assure the recipient's right to accept or refuse the use of volunteers shall be provided.

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(Pursuant to Government Code Section 11380.1)

33-120 STAFFING (Continued)

33-120

.35 Responsibility for the volunteer program shall be assigned to a specific staff member.

.4 Priority shall be given to the selection, training, and employment of current, former, or potential recipients as homemakers or providers of chore services in the required adult services programs.

33-125 BASIC GOALS

33-125

Public social services are expected to promote the following goals:

.1 Self-support goal, or the achievement and maintenance of an appropriate level of employment and economic self-sufficiency. This goal is not applicable in OAS.

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(Pursuant to Government Code Section 11380.1)

33-125 BASIC GOALS (Continued)

33-125

- .2 Self-sufficiency goal, or the achievement and maintenance of personal independence and self-determination. This goal is applicable to all adult categories, but in AFDC to current recipients only.

33-130 DEFINITIONS

33-130

- .1 Objective - Statement of a goal to be attained, a target toward which a specific activity is directed.
- .2 Program - An administrative aggregate of services and resources.
- .3 Current Applicant - An individual or family member who has submitted an application for AFDC, OAS, AB or ATD which has not yet been denied nor approved by the county welfare department. Status as an applicant ceases when the application is denied or approved.
- .4 Current Recipient - An individual or family member who is a recipient of an AFDC, OAS, AB or ATD grant (including zero grant).
- .5 Former Recipient - An individual or family that was a recipient of an AFDC, OAS, AB or ATD cash grant (including zero grant) for any month within the previous three months and who/ <sup>has a</sup> need for completion of   
services initiated before   
termination of financial assistance.

(See Section 33-230.3 concerning determination of eligibility.)

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(Pursuant to Government Code Section 11380.1)

33-130    DEFINITIONS (Continued)

33-130

- .6 Potential Recipient - An individual or family that is likely to become an applicant for or recipient of AFDC, OAS, AB, or ATD within six months and who meets the eligibility requirements contained in Section 33-230.4.
- .7 Individual - A current applicant for or a current, former or potential recipient of OAS, AB, or ATD.

33-135    PROVISION OF SERVICES

33-135

- .1 The county welfare department shall make provision for the delivery of social services by:
- services aides
- .11 Social workers, or other services' staff members of the county welfare department, or
- .12 Volunteers, or
- .13 Referral to other public or private resources which have been established to provide services to alleviate individual and family problems, or
- .14 Purchase, contract or other cooperative arrangements with public or private agencies or individuals (see Section 33-260 regarding purchase of services), or
- .15 Any combination of the above.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-140    PROGRAM MANAGEMENT WITHIN LIMITED FEDERAL FUNDING

33-140

- .1    Not more than 10 percent of federal funds shall be paid with respect to expenditures in providing services to persons who are not current applicants for or current recipients of cash grants.
- .2    Exceptions to the 10 percent limitation are as follows:
  - .21    Services provided to meet the needs of a child for personal care, protection, and supervision (as defined under day care services for children) but only in the case of a child where the provision of such services is necessary in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or because of death, continued absence from home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child,
  - .22    Family planning services,
  - .23    Any services included in the approved county plan that are provided to an individual diagnosed as mentally retarded by a State mental retardation clinic or other agency or organization recognized by the State agency as competent to make such diagnoses, or by a licensed physician, but only if such services are needed for such individual by reason of his condition of being mentally retarded,

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CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-140 PROGRAM MANAGEMENT WITHIN LIMITED FEDERAL FUNDING  
(Continued)

33-140

- .24 - Any services included in the approved county plan that are provided to an individual who has been certified as a drug addict by the director of a drug abuse treatment program licensed by the State, or to an individual who has been diagnosed by a licensed physician as an alcoholic or drug addict, but only if such services are needed by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic, and
- .25 - Foster care services for children when needed by a child because he is placed in foster care, or awaiting placement.

- .3 Protective services to children in nonaided, nonlinked families in counties with an approved plan are reimbursed to the extent funds are available from Child Welfare Services.
- .4 The same rules in .2 of this section shall apply to reimbursement for emergency shelter care expenses and administrative expenses necessary to support the provision of specialized protective services.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-140    PROGRAM MANAGEMENT WITHIN LIMITED FEDERAL FUNDING

33-140

.1 When federal funds for social services are available on a basis other than as a proportion of services expenditures, an amount not less than 50 percent of the funds so available shall be allocated for county expenditure. Within this limitation, individual county allocations shall be determined as follows:

.11 According to the level of expenditure by each county during the preceding fiscal year; or

.12 According to the percentage of the total state aided recipient population in each county during the most recent 12 months; or

.13 A combination of .11 and .12 above.

County allocations determined according to these criteria shall be established prior to the start of any fiscal year and may be established for the entire fiscal year or some portion thereof. County allocations for services expenditures may be reviewed at intervals during the fiscal year as determined by the state and revised as appropriate in order to ensure the most advantageous expenditure of limited services funds statewide.

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Effective July 1, 1973

**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

33-145 GRIEVANCES

33-145

The county welfare department shall establish a grievance system through which a recipient may present grievances about the operation of the service program. The grievance system shall be incorporated as part of the county plan and subject to approval by the State as part of that plan.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-150 COUNTY PLANS

33-150

The county plan shall be the instrument identifying the county welfare department's responsibilities and plan for carrying out the service programs and policies. It shall be the basis for monitoring and evaluating the services program.

- .1 The county shall establish and maintain a basic annual plan for the provision of public social services which shall be approved by the State.  
The county plan
- .2 shall describe the county's program of public social services in the format prescribed by the State.
- .3 State approval of the plan is a required condition for federal participation in the cost of services.
- .4 Proposed changes shall be submitted for approval by the State prior to adoption. A plan or plan amendment shall be effective no earlier than the first day of the quarter in which it is approved by the State.
- .5 The county services plan shall identify:
  - .51 Specific goal(s) to be achieved for each service program.
  - .52 Method(s) of delivery for each service program.
  - .53 Priorities for services.
  - .54 Those optional services which will be provided.

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Effective July 1, 1973

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

33-150 COUNTY PLANS (Continued)

33-150

- .55 Those optional groups which will be served.
- .56 Staffing arrangements.
- .57 Scope and type of services to be purchased.
- .58 Methods of accountability and use of funds.
- .59 The grievance system.
- .6 The county services plan may be carried out by:
  - .61 Staff of the county welfare department; or
  - .62 Other public or private agencies and individuals through purchase, contract or other cooperative arrangements.

DO NOT WRITE IN THIS SPACE

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Effective July 1, 1973

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-155    PROGRAM EVALUATION

33-155

- .1 The county welfare department shall provide for an effective and objective means of regularly evaluating the success or failure of the county's social services program in meeting self-support and self-sufficiency goals. The evaluation shall be based on:
- .11 The documentation identified in Section 33-240.2.
- .12 Both qualitative and quantitative indicators of the agency's efforts.
- .2 The county welfare department shall provide the State with necessary evaluation reports on the delivery of social services in a format prescribed by the State.

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Effective July 1, 1973



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-160 COUNTY SERVICE ADVISORY COMMITTEES

33-160

When in the determination of the county welfare department an advisory committee regarding any aspect of social services is necessary for proper and efficient administration, justification for such a committee shall be established and provided for in the county plan.

It will be the responsibility of such committees to advise the county welfare department in designated policy areas relating to the provision of social services.

Appointments to such committees may include representatives from appropriate public agencies; professional, civic or private agencies; or consumer groups.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

CHAPTER 33-200      DELIVERY OF SERVICES

33-210      FREEDOM TO ACCEPT SERVICES

33-210

- .1 Families and adults eligible for public social services shall be informed as often as necessary and at least annually of the services available and shall be extended an opportunity to express need for services and to request services.
- .2 Families and adults shall have a free choice to accept or reject the use of a service, except as provided in Section 33-240.231.
- .3 Adult recipients of homemaker or chore services shall have a free choice to determine whether such services are provided by an individual or by a services organization.
- .4 Acceptance of a service shall not be a prerequisite for the receipt of any other services or aid under the county plan, except that:
  - .41 Refusal to accept employment, manpower or training services shall result in the imposition of the required sanction.
  - .42 A determination that a money management problem can not be resolved shall result in the use of vendor or protective payments or referral to protective social services.
- .5 The county welfare department has the responsibility to make available protective services or to take other appropriate action indicated by the refusal of such service by an individual who needs it or who acts in behalf of anyone needing such service.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-210 FREEDOM TO ACCEPT SERVICES (Continued)

33-210

- .6 The county welfare department shall assure that prior to accepting a person's rejection of a service, such person, or his caretaker or guardian, is given a clear explanation of the consequences of that choice.

33-220 REQUIRED AND OPTIONAL SERVICES

33-220

.1 Required Service Programs

The county welfare department shall make provision in the county plan and budget for all of the following services within the limits of state and federal matching funds in accordance with applicable definitions and standards.

.11 Family and Children's Services

- a. Day Care Services
- b. Employment Services
- c. Family Planning Services
- d. Foster Care Services
- e. Health Related Services
- f. Protective Services

DO NOT WRITE IN THIS SPACE

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Effective July 1, 1973

**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-220    REQUIRED AND OPTIONAL SERVICES (Continued)

33-220

.12    Adult Services

- a.    Family Planning Services
- b.    Homemaker Services (not later than January 1, 1974)
- c.    Chore Services (not later than January 1, 1974)
- d.    Protective Services

.2    Optional Defined Services for Adults

The county may elect to provide any of the following optional adult services. Optional services elected shall be specified in the approved county plan. The services elected shall be available to all recipients of OAS, AB, or ATD (except Special Services for the Blind).

- a.    Day Care Services
- b.    Educational Services
- c.    Employment Services
- d.    Foster Care Services
- e.    Health Related Services
- f.    Home Delivered or Congregate Meals
- g.    Home Management and Other Functional Educational Services
- h.    Housing Improvement Services

DO NOT WRITE IN THIS SPACE

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Effective July 1, 1973

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-220 REQUIRED AND OPTIONAL SERVICES (Continued)

33-220

.2 Optional Defined Services for Adults (Continued)

i. Legal Services

j. Special Services for the Blind

k. Transportation Services

.3 Employment Information and Referral

Information about and referral to appropriate community resources for purposes of assisting families and individuals in securing employment or training or information about employment or training is to be provided without regard to eligibility for assistance or other service.

33-230 ELIGIBILITY DETERMINATION AND REDETERMINATION OF ELIGIBILITY FOR SERVICES 33-230

.1 General

The services system of the county welfare department shall:

.11 Establish the family's or the individual's eligibility for services prior to provision of the service; and

.12 Establish the need for services; and

.13 Assure that the case record documents that the service provided supports attainment of the goal (of self-support or self-sufficiency) toward which services are directed; and

.14 Redetermine eligibility at least once every six months.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-230 ELIGIBILITY DETERMINATION AND REDETERMINATION OF  
ELIGIBILITY FOR SERVICES (Continued)

33-230

- .2 Determination of Eligibility for Services of Current Recipients or  
Applicants for AFDC, OAS, AB or ATD

Verification shall be secured (from the unit responsible for determining  
eligibility for financial assistance) that the family or individual:

- .21 Is currently receiving AFDC, OAS, AB or ATD, or
- .22 Has submitted an application for AFDC, OAS, AB or ATD which has  
not been withdrawn or denied.

This verification must identify each individual receiving services whose  
needs are taken into account in the application or in the determination  
of the amount of financial assistance.

- .3 Determination of Eligibility for Services to Former Recipients of  
AFDC, OAS, AB or ATD

When the determination of eligibility for social services is based on  
the individual's or family's status as a former recipient, it must be  
established that the service is:

- .31 Needed to complete provision of services initiated before  
termination of financial assistance; and
- .32 Required to achieve the goal of self-support or self-sufficiency.  
(Self-support is not a goal under the OAS program.)

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Effective July 1, 1973

CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

33-230 ELIGIBILITY DETERMINATION AND REDETERMINATION OF  
ELIGIBILITY FOR SERVICES (Continued)

33-230

.4 Determination of Eligibility for Services to Potential Recipients  
of Public Assistance

The determination of eligibility for services to families who are likely to become recipients of AFDC or individuals who are likely to become recipients of OAS, AB or ATD within six months must be based on evidence that:

.41 The individual's gross income does not exceed 150 percent of the applicable payment standard.

.42 The family's gross income, after deducting \$30, does not exceed:

.421 150 percent of the AFDC Maximum Aid standard; or

.422 With respect to eligibility for day care services for children the family's gross income does not exceed 233 1/3 percent of the state AFDC Maximum Aid standard.

.423 Children of migrant workers living in housing funded by the OEO may receive day care services through December 31, 1973 even if family income exceeds the limits imposed by .421 and .422 above.

.43 Nonexempt resources when converted to cash would not meet the needs of the families or individuals at the level of the applicable state's financial assistance payment standard beyond the six-month period.

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(Pursuant to Government Code Section 11380.1)

33-230 ELIGIBILITY DETERMINATION AND REDETERMINATION OF  
ELIGIBILITY FOR SERVICES (Continued)

33-230

.44 In the case of eligibility for AFDC services to families and children:

.441 There is deprivation due to parent's death, absence from the home, incapacity, or unemployment;

.442 There has been identified a specific problem or problems which are susceptible to correction or amelioration through provision of services related to self-support and which will lead to dependence on AFDC within six months if not corrected or ameliorated.

.45 In the case of eligibility of the aged, blind, or disabled individuals, there <sup>must</sup> be identified a specific problem or problems which are susceptible to correction or amelioration through provisions of services related to self-support or self-sufficiency and which will lead to dependence on OAS, AB, ATD or Medi-Cal within six months if not corrected or ameliorated and who are:

.451 At least 64 1/2 years of age with respect to OAS;

.452 Experiencing serious progressive deterioration of sight that as substantiated by medical opinion is likely to reach the level of the state agency's definition of blindness within six months for linkage to AB; or

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(Pursuant to Government Code Section 11380.1)

33-230 ELIGIBILITY DETERMINATION AND REDETERMINATION OF  
ELIGIBILITY FOR SERVICES (Continued)

33-230

.453 According to licensed physician's opinion as approved by the state agency experiencing a physical or mental condition which is likely to result within six months in permanent and total disability for linkage to ATD.

.454 As an exception to the above, a mentally retarded individual may for the period July 1, 1973 through December 31, 1973 be considered eligible for services for so much of this period as the mentally retarded individual continues to meet the following requirements:

- (a) Does not receive money payments but is eligible for medical assistance under Medi-Cal,
- (b) Is likely within five years to become a recipient of OAS, AB or ATD,
- (c) Is at or near the dependency level including those in low-income neighborhoods and among other groups that might be expected to include more aged, blind, or disabled assistance cases than other low-income groups where the services are provided on a group basis.

.455 Aged, blind, or disabled individuals who are likely to become recipients of OAS, AB or ATD within six months as evidenced by the fact that they are currently eligible for Medi-Cal.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-230 ELIGIBILITY DETERMINATION AND REDETERMINATION OF  
ELIGIBILITY FOR SERVICES (Continued)

33-230

.5 Redetermination of Eligibility for Services of Families and Individuals  
Receiving Services

Each county welfare department shall make a redetermination of eligibility  
of each family or individual receiving services as follows:

- .51 Not later than October 1, 1973, redetermine the eligibility of all  
families and individuals receiving services initiated prior to  
that date.
- .52 Every six months redetermine the eligibility for services of  
families and individuals whose eligibility is based on their status  
as current applicants for or recipients of financial assistance.
- .53 Within thirty days of the date that the status of the family or  
individual as a current applicant for or recipient of AFDC, OAS,  
AB or ATD is terminated, redetermine the eligibility in order to  
determine if additional time is needed to complete services.
- .54 Within six months of the date of the original determination of  
eligibility and of any subsequent redetermination of eligibility  
and individuals whose eligibility is based on the determination  
that they are likely to become recipients of AFDC, OAS, AB or ATD.

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Effective July 1, 1973

CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-240 DETERMINATION OF NEED FOR SERVICES

33-240

.1 General

Services shall be evaluated at least once every six months to assure their effectiveness in helping a family or individual to achieve the goal toward which services are directed. (See Section 33-230 about redetermination of eligibility for services.)

.2 Service Documentation

The county welfare department shall assure that a service record is maintained and documents the following:

.21 Eligibility or redetermination of eligibility for services has been established.

.22 Need for service related to the goals of self-support or self-sufficiency has been determined.

.23 Offer of service has been accepted or rejected.

.231 A service plan shall be developed, notwithstanding rejection when:

(a) Adults cannot act for themselves to correct or prevent harmful conditions arising from neglect, abuse, or exploitation.

(b) Children are being neglected, abused, or exploited.

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Effective July 1, 1973

CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-240 DETERMINATION OF NEED FOR SERVICES (Continued)

33-240

.24 The plan for:

.241 Delivery of specific services within a designated time; and

.242 Resolution of specific problems which may inhibit achievement of the goal.

.243 Provision of necessary services directly, by referral or other means.

.244 Termination of services, giving reason and result.

.3 Control Method for Out-of-Home Care - Adults

.31 County welfare departments are responsible for arranging for or assisting in arranging for the type of out-of-home care required by public assistance recipients. Every applicant or recipient in out-of-home care must be classified according to the level of care he requires. Approval for admission and continuing care in intermediate care facilities and nursing homes, private psychiatric hospitals and nursing wards of state hospitals are the responsibilities of the State Medical-Social Review Team, Department of Health.

.32 Level of care for Group I or Group II care shall be made by the services worker according to the type of care required and received by the recipient as follows:

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Effective July 1, 1973

CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

33-240 DETERMINATION OF NEED FOR SERVICES (Continued)

33-240

.321 Group I

A person needs a protective environment but only limited personal care. He may need one or more of the following:

- (a) Assistance in caring for his room but can manage dressing and personal hygiene.
- (b) Help with medications because of forgetfulness, poor eyesight, or shakiness.
- (c) A special room approved by the fire marshal for non-ambulatory occupancy.
- (d) A person receiving care in a family care home certified by the Department of Health or a person receiving care from an adult child in the home of such child or the parent is considered to be Group I

.322 Group II

A person classified as Group II needs more intensive care. In addition to the care provided as set forth in .321, he also requires and receives one or more of the following:

- (a) Help with dressing and personal hygiene.
- (b) Extra care because of incontinence.

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Effective July 1, 1973

CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

33-240 DETERMINATION OF NEED FOR SERVICES (Continued)

33-240

.322 Group II (Continued)

(c) Modified diet and/or help with eating.

(d) Supervision in or away from home because of physical or mental incapacities.

(e) Extra care and special services because he is nonambulatory and requires a room specially approved by the fire marshal for nonambulatory occupancy.

.33 Nonmedical board and care classification does not require review by a State Medical-Social Review Team, Department of Health, but requires as often as necessary, and at least annually, an evaluation to determine the appropriateness of the level of care.

.34 Level of care approval is required for intermediate care and nursing home care by a State Medical-Social Review Team, Department of Health.

.35 Payment for out-of-home care is standardized according to the type of facility and the care required by the recipient. (See Section 44-311.)

.36 Nonmedical board and care, Group I and Group II - payments are made to the recipient.

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Effective July 1, 1973

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(Pursuant to Government Code Section 11380.1)

33-240 DETERMINATION OF NEED FOR SERVICES (Continued)

33-240

.37 The State Medical-Social Review Team may:

.371 Refer to the county welfare department:

- (a) Requests for social services for recipients in out-of-home care,
- (b) Requests for transfer of recipient to a different level of care when indicated, and
- (c) Requests for arrangement for a recipient's discharge from a nursing home or intermediate care facility and if appropriate assist with his return to the community,

and

.372 Furnish county welfare departments with copies of all social service assessments for recipients in nursing home care and intermediate care.

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Effective July 1, 1973

CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

33-250 DEVELOPMENT AND USE OF COMMUNITY RESOURCES

33-250

The county welfare department is responsible for achieving the maximum utilization of and coordination with other public and private agencies which provide services comparable or related to public social services; for determining that such agencies will provide services effectively and without additional cost; and for assuring that these services will meet program standards established for public social services.

Such arrangements shall have as their objective the supplementation of social services provided by the county and the extension of the range of available services.

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Effective July 1, 1973



**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

33-260 PURCHASE OF SERVICES

33-260

The county welfare department may purchase services from other public and private agencies as provided in the county plan and from individuals in accordance with the following provisions:

- .1 The county is required to negotiate a written purchase of service agreement with each contracting public or private agency or organization.
- .11 Written purchase of service agreements and other written agreements or instructions are subject to prior review and approval by the State to the extent prescribed and in accordance with instructions issued.
- .12 A purchase of service agreement negotiated with a public or private agency shall provide that preference will be given to the employment of current, former and potential recipients of public assistance.
- .2 The county shall enter a purchase of service agreement only if such services are not available without cost.
- .3 A written agreement for purchase of services from an individual shall be required when the individual acts as agent for other providers. Services purchased from an individual acting on his own behalf shall be documented as to type, cost, and quantity.
- .4 Planning for purchase of service and ongoing monitoring and evaluation of purchased services shall be performed by county welfare department social services staff, and other county staff as appropriate.
- .5 The county shall determine the eligibility of persons for services provided through purchase agreement, shall have sole power to authorize service for an individual, and shall specify the duration of service.

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Effective July 1, 1973

**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-260 PURCHASE OF SERVICES (Continued)

33-260

.6 Services shall be purchased only from sources which are appropriately licensed or otherwise meet state and federal licensing or accreditation standards.

.7 Payment rates for purchased services shall be established which do not exceed the amounts which are reasonable and necessary to assure quality of service. Rates for services purchased from another public agency shall be in accordance with the cost reasonably assignable for such service.

The county shall:

.71 Describe the methods used in establishing and maintaining such rates.

.72 Maintain in accessible form all data supporting such rates.

.8 Where payment for service is made to the recipient for payment to the vendor, the county shall:

.81 Specify to the recipient the type, cost, and quantity of service and shall designate the vendor.

.82 Establish procedures to ensure proper delivery of service to and payment by the recipient.

.9 All requirements governing delivery of social services are applicable when services are provided through purchase agreement.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

33-260 PURCHASE OF SERVICES (Continued)

33-260

Effective July 1, 1973 a new purchase of service from another public agency may be made as follows:

July 1, 1973 - June 30, 1974: Only for services beyond those represented by 75 percent of the provider agency's expenditure for that service for Fiscal Year 1972-73.

July 1, 1974 - June 30, 1975: Only for services beyond those represented by 50 percent of the provider agency's expenditures for that service for Fiscal Year 1972-73.

July 1, 1975 - June 30, 1976: Only for services beyond those represented by 25 percent of the provider agency's expenditures for that service for Fiscal Year 1972-73.

A new purchase of service is defined as the purchase of a type of services not covered in an agreement prior to February 16, 1973, or the purchase of service for a population not covered for service in an agreement prior to February 16, 1973.

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Effective July 1, 1973

**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

**43-117 CHILD SUPPORT ACTIVITIES - OBJECTIVES**

**43-117**

- AFDC .1 To the maximum extent possible, to secure financial support for children through ☐ child support activities which establish ☐ the paternity of a child born out of wedlock, locate ☐ absent parent(s), determine an absent parent's ability to support a child, secure agreement from an absent parent to provide support for a child in accordance with the parent's ability, and secure compliance with support agreements and court orders [REDACTED]
- .2 To achieve such objectives, it is the purpose of these regulations to assure maximum coordination between the county welfare department and the district attorney in child support matters. It is recognized that the district attorney is primarily responsible under law for enforcing by civil and/or criminal means the obligation of parents to support their children.

**43-121 REQUIREMENTS FOR THE CHILD SUPPORT UNIT WITHIN THE INCOME  
MAINTENANCE SYSTEM**

**43-121**

AFDC .1 Organization

The county shall establish a Child Support Unit. Overall responsibility for Child Support activities shall be assigned to this separate specialized unit, unless the level of the county's Child Support activity workload does not warrant the establishment of a separate unit.

.2 Functions of the Unit and of AFDC Eligibility Workers

- .21 Child Support activities shall be carried out, when appropriate, in cases of AFDC applicants and AFDC recipient children including unborn children, and children in AFDC Medically Needy families.
- .22 The county Child Support Unit's responsibility for achieving the objectives of child support activities is to assure that actions are taken appropriate to the function of the Unit and in accordance with the plan of cooperation with the district attorney (see .3 below) which will result in establishing paternity, determining

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-121    REQUIREMENTS FOR THE CHILD SUPPORT UNIT WITHIN THE INCOME    43-121  
             MAINTENANCE SYSTEM (Continued)

AFDC    .2    Functions of the Unit and of AFDC Eligibility Workers (Continued)

ability to support, securing agreements to provide support, and  
securing compliance with support agreements and court orders.

- .23    The Child Support Unit must assure that great care is taken  
by all staff that in discussing with any individual alternatives  
of action which include possible referral to law enforcement  
officers that (a) such possibilities are presented in a non-  
threatening manner and (b) no statements are made regarding the  
nature of the charges which may be brought against the individual  
since final responsibility for this rests solely with law  
enforcement officers. (See also Section 20-009.2.)

- .24    Primary responsibility for the following activities, subject to the plan of cooperation with the  
district attorney (see .3 below) shall be assigned to the child support unit. Implementation  
of these activities shall be in accordance with the plan of cooperation developed by the two  
departments.

- a.    To undertake effort to locate the absent parent.
- b.    To interview the absent parent, or to make arrangements for an interview by an appropriate  
agency if the absent parent lives outside the county, regarding the absent parent's responsibility  
and ability to provide financial support. (W&IC Section 11476)
- c.    To establish whether or not the absent parent is currently contributing in accordance with  
ability.
- d.    To seek voluntary agreement by the absent parent to provide financial support in accordance  
with ability.
- e.    To provide services appropriate to the welfare department's function in assisting with child  
support and paternity determination, as requested by public assistance and law enforcement  
agencies of other counties and states, with respect to current applicants for and recipients of  
AFDC in such other counties or states.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-121 REQUIREMENTS FOR THE CHILD SUPPORT UNIT WITHIN THE INCOME MAINTENANCE SYSTEM (Continued) 43-121

AFDC

.2 Functions of the Unit and of AFDC Eligibility Workers (Continued)

- f. To notify the district attorney immediately whenever aid is granted to a child who is not being supported by a parent, unless it is definitely established that the parent is financially incapable of providing such support. (W&IC Section 11476) Form CA 323 may be used for the purpose of this notification.
- g. To refer the case to the district attorney as provided in Sections 43-123, 43-125, and 43-127.
- h. To determine whether or not there is cooperation with the district attorney by the parent who is living with the child, as required by W&IC 11477. (See Section 43-113.25.)
- i. To undertake effort appropriate to the welfare department's function which will lead to the legal adjudication of paternity for a child born out of wedlock.
- j. To maintain records of activities and information needed to produce reports as required by the State Department of Social Welfare.

.25 Responsibilities appropriate to the AFDC eligibility worker are:

- .251 To inform the applicant of requirements regarding the absent parent, child support, and referral to the district attorney.
- .252 To obtain information regarding the amount of support currently being provided.
- .253 To refer all absent parent cases to the Child Support Unit.
- .254 To notify the superior court in accordance with W&IC Section 11485 that aid has been applied for or granted to a child of parents who are involved in a divorce, the notice to contain any information known by the welfare department concerning financial resources of the parents which might be applied to child support. Form CA 321 may be used for this purpose. If the court becomes aware that children may be receiving aid or that an application may be made when a divorce or separate maintenance action has been filed, the court is required by W&IC Section 11485 to notify both the district attorney and the county welfare department of pending action. Form CA 322 is available for this purpose. In such cases, the county should reply on Form CA 321.
- .255 To take action on applications and the amount of aid, in accordance with information available.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**43-121 REQUIREMENTS FOR THE CHILD SUPPORT UNIT WITHIN THE INCOME  
MAINTENANCE SYSTEM (Continued)**

43-121

AFDC.3 Plan of Cooperation with District Attorney

The county welfare director shall establish in writing by not later than May 31, 1969, a plan of cooperation with the district attorney defining the arrangements with courts and law enforcement officials by which the welfare department and such courts and law enforcement officials will coordinate their efforts and exchange of information aimed at achieving optimum results in locating absent and putative fathers, securing child support and establishing paternity of children born out of wedlock.

.31 The plan of cooperation must stipulate that information provided to courts and law enforcement agencies by the county welfare department will be used only for the achievement of the purposes described in this chapter.

.32 The plan of cooperation must stipulate that the district attorney will report to the county welfare department on a timely basis information which is essential to the determination and redetermination of eligibility and to the continuing administration of the aid payment.

.33 A copy of the plan of cooperation shall be submitted as an appendix to the county plan for Child Support activities but shall not be subject to specific approval by the department.

.34 Federal financial participation is available in the costs of reimbursing courts and law enforcement officials for their increased effort or additional staff time to assist the county welfare department to achieve the purposes of Child Support activities. For purposes of this section:

.341 Activities required by the Uniform Reciprocal Enforcement of Support Act (URESA, CCP 1650 et seq) which are undertaken with respect to AFDC applicant and recipient children are considered to be prerequisite activities and will not be subject to financial participation.

.342 New or intensified activity undertaken after June 30, 1968, for the purpose of assisting the county welfare department to more fully meet the objectives of Child Support activities shall qualify for financial participation beginning January 1, 1969.

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Effective July 1, 1973

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-121 REQUIREMENTS FOR THE CHILD SUPPORT UNIT WITHIN THE INCOME  
MAINTENANCE SYSTEM (Continued)

43-121

AFDC

.343 The claim for reimbursement of such costs shall be presented to the county welfare department and shall be supported by records which shall substantiate that costs for which reimbursement is claimed are within the provisions of these sections.

.344 The county welfare director in cooperation with the district attorney shall prepare a written record of the performance of the court or law enforcement officials, reimbursement under the provisions of this section at such times (but not less often than once each year) and in such manner as the Director, State Department of Social Welfare, may prescribe.

.4 Staffing

The county welfare director shall provide for the appropriate staffing of the Child Support Unit.

.5 Staff Training

The county welfare director shall provide for the orientation, induction and ongoing training of personnel assigned to the Child Support Unit so as to assure the proper and effective performance of such personnel consistent with the functions and purposes of ☐ Child Support activities.

.6 Reporting

The county welfare director shall provide the necessary data at such times (but not less often than once each calendar quarter) and in such manner as the Director, State Department of Social Welfare, may prescribe (see Section 29-070) in order to gain access to Internal Revenue Service files for the purpose of locating the absent parent of an AFDC child:

.61 Against whom an order for the support and maintenance of such child has been issued by the court but who is not making payments in compliance or partial compliance with such order; or

.62 Against whom a petition for such an order has been filed in the court having jurisdiction to receive such petition.

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Effective July 1, 1973



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-123 LOCATION OF ABSENT PARENT(S)

43-123

AFDC.1 General

The county welfare director shall assure the prompt follow-up on clues to the whereabouts of absent parent(s) whose children are receiving or applying for AFDC, and the welfare director shall further assure that full use is made of all resources available to assist in the location of such parents.

.2 Exclusion for Adoption Cases (W&IC Sections 11476 and 11479).

If it is determined by and reflected in the records of the county welfare department that the mother is currently and actively considering a plan for the adoption of the child, no attempt shall be made to interview the putative father.

If a relinquishment for adoption has been signed, no attempt shall be made to interview the father unless and until the relinquishment has been terminated.

.3 Use of Special Locator Services

.31 The county welfare director shall assure notice of all absent parent situations to the Central Registry Locator Service (California Department of Justice) by means of the yellow master file card within ten working days following receipt of an AFDC application on behalf of any child (see Sections 43-123.5 and 29-300).

.32 When information from the Central Registry is needed, a single request on behalf of the county shall be made on Form CII-60 (pink) either by the district attorney or by the county welfare department, in accordance with the plan of cooperation. Every effort should be made to avoid duplication. See subsection 215.532b.

Local means for locating the absent parent should be used whenever feasible. Requests for information relative to AFDC absent parents should be addressed to the Locator Service on a selective rather than a routine basis, to avoid unnecessary workload demands which will reduce the effectiveness of the Locator Service.

.33 If there is no information in the Central Registry regarding the absent parent, or if use of the information on the record transcripts and summary received from the Central Registry fails to result in location of the absent parent, the county welfare director shall assure that requests for information from federal files are initiated. (See Section 29-070.)

.4 Referral to District Attorney

Referral of an absent parent situation in which the whereabouts of the absent parent are not known shall be made in accordance with the plan of cooperation with the district attorney.

The referral shall be made to the district attorney no later than forty-five calendar days following the date on which the application for public assistance was signed or information was received that the whereabouts of an AFDC child's parent(s) are unknown, except where the plan of cooperation provides for other prescribed procedure.

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Effective July 1, 1973

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-123 LOCATION OF ABSENT PARENT(S) (Continued)

43-123

AFDC

.5 The Central Registry Locator Service (see Handbook for instructions, Section 29-300)

.51 The county welfare department has a joint and continuing responsibility with other agencies to obtain support from the absent parent for any child for whom an application for public assistance has been made. It shall provide the Department of Justice with such information as requested by that department pertaining to the location of absent parents and shall make maximum use of the Central Registry of the Department of Justice for this purpose.

.52 All information in the Central Registry is confidential and shall be available only to locate absent parents and to enforce liability for the support of children.

.53 When an application for AFDC based upon the absence of a parent is made, the whereabouts of the absent parent shall be considered to be either known or unknown:

.531 "Known" means that the county welfare department has verified or has reason to believe that it can verify, where the absent parent is either living or working.

When the whereabouts of the absent parent is known, a yellow Master File Card shall be completed and forwarded to the Central Registry within ten working days following the date of application.

.532 "Unknown" means that the county welfare department has taken appropriate action to locate the absent parent but has been unable to learn where he is either living or working.

An absent parent's whereabouts must be considered unknown when the county welfare department has been unable to verify his employment or residence within forty-five days from the date the application for public assistance was signed.

When the whereabouts of the absent parent is unknown, the Child Support Unit:

- a. Shall complete and forward a yellow master file card to the Central Registry within ten working days, and
- b. Shall assure that a request for information (CII-60) is sent to the Central Registry on behalf of the county, either by the district attorney or by the county welfare department, as provided in the plan of cooperation (Section 43-121.3). Such requests should be made on a selective rather than a routine basis. Only one Form CII-60 need be made by the county. If a file copy of the Central Registry's response is needed, it should be directed to the county agency which made the original inquiry to the Central Registry.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**43-125    ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS    43-125  
KNOWN**

**AFDC**

**.1    Absent Parent Resides in the County**

When the absent parent resides in the county in which the application for aid has been taken or aid has been granted, the Child Support Unit shall undertake the following activities unless the district attorney elects to do so under the provisions of the plan of cooperation between the two departments:

- .11 Interview the absent parent to outline the parent's responsibilities for support. (W&IC Section 11476)
- .12 Obtain from the parent in the state whose absence is the basis for an application or is the basis for continuing AFDC the statement containing the information (see Section 43-113.31 pertinent to determination of ability to support of the AFDC child.
- .13 Obtain a new statement when support payments cease or when there is a change in the amount of support being paid, or at any time the ability of an absent parent to contribute to the support of the children is being determined or redetermined. A new statement shall not be requested more often than every six months except when a question as to the adequacy of the payment has arisen.
- .14 Determine the parent's ability to support the child(ren). All income and reasonable expenses of the absent parent shall be considered in determining ability to contribute.
  - .141 Where a support order has been entered by a court, this shall be recognized as the absent parent's legal obligation, since such an order must be complied with unless or until the court itself modifies it.
  - .142 If it appears the parent can pay more than the order calls for, the county welfare department shall, unless the plan of cooperation provides otherwise, attempt to obtain a greater contribution. If the absent parent is unwilling to increase the contribution voluntarily and in the absence of civil action instituted by the remaining parent, the county welfare department shall refer the case to the district attorney for possible court review and a redetermination of support.
  - .143 If the county welfare department believes that the court order is for more than the absent parent is able to pay, it shall refer the case to the district attorney, giving its reasons in writing why a modification of the order should be sought.
- .15 Make arrangements for the absent parent to meet his or her obligation to support. The amount of the absent parent's liability and the agreement to pay or the reasons for refusal to pay shall be documented or recorded in the case record.

Form CA 290 and Form CA 290A may be used for these purposes.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-125    ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS    43-125  
KNOWN (Continued)

AFDC

.2 Absent Parent Resides Outside the County

When the absent parent is residing out of the county, the county welfare department may unless otherwise provided by the plan of cooperation, request the other county welfare department to act in its stead.

.3 Referrals to the District Attorney

Referrals to the district attorney is the process of sending essential case data to the district attorney with a request for action to secure support or to establish paternity. Form CA 324 may be used for this purpose.

The Child Support Unit shall unless otherwise provided by the plan of cooperation, refer to the district attorney each case in which any of the following situations exist (W&IC Section 11476):

- .31 The county welfare department is unable to enter into a satisfactory support agreement with the absent parent within 45 days after an application for assistance is signed unless it has been definitely determined that the parent is financially incapable of supporting the child;
- .32 The absent parent refuses to be interviewed, to provide necessary information or to discuss his or her parental responsibilities;
- .33 The absent parent refuses to make contributions in accordance with his or her financial ability;
- .34 There is reason to believe that the parent may flee or hide if contacted by the county department;
- .35 The absent parent's previous history indicates that although capable of a support contribution, efforts by the county department to obtain support would be fruitless;
- .36 Legal action is necessary to establish paternity in the absence of civil proceedings instituted by the mother;
- .37 The absent parent has entered into an agreement with the county department to support the child and without good cause has failed to comply with the agreement for an unreasonable period which in no event shall exceed 60 days.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**43-125    ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS    43-125**  
**KNOWN (Continued)**

**AFDC****.4    Reporting Changes to the District Attorney**

The Child Support Unit shall maintain controls and arrangements with respect to absent parent situations referred to the district attorney to assure a prompt and cooperative exchange of information regarding changes in the status of the case which could affect the efforts of each agency (see Section **43-121.3**). Changes which shall be reported by the Child Support Unit to the district attorney include, but are not limited to:

- .41 The reason for referral no longer applies;
- .42 The absent parent has been located by the county welfare department;
- .43 The absent parent's child is now being considered for adoption;
- .44 The absent parent's child is no longer being considered for adoption;
- .45 The Child Support Unit has received information indicating a change in the absent parent's ability to provide support; and
- .46 The Child Support Unit has received information that the absent parent has moved.

**43-127    ESTABLISHING PATERNITY    43-127**

**AFDC****.1    Purpose**

The purpose of activity undertaken in an effort to establish the paternity of a child who is known or presumed to be born out of wedlock is to seek a legal adjudication of paternity of the child, to secure support for the child, and to establish the child's legal right to future possible benefits, such as inheritance, military service allotment, veteran's benefits, and OASDI benefits.

**.2    Child Born Out of Wedlock**

For purposes of this chapter, a child born out of wedlock is:

- .21 A child born to a woman who was not married at the time of conception and whose natural father has not legitimated the child, or
- .22 A child born to a married woman, but the presumption that the child is legitimate has been rebutted by judicial determination, or the presumption appears to be rebuttable.

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Effective July 1, 1973

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-127 ESTABLISHING PATERNITY (Continued)

43-127

AFDC

.3 Plan for Establishing Paternity

Unless otherwise provided in the plan of cooperation with the district attorney:

.31 The Child Support Unit shall discuss with the mother, and if possible, the alleged father, the situation of each child referred to it in which the paternity of the child is in question. The purpose of the discussion shall be to establish an agreed upon plan of action which will lead to establishing the paternity of the child through use of appropriate social and legal processes. The county welfare department shall establish its own plan of action if the mother or the alleged father are unwilling to cooperate in the development of a plan.

.311 The mother shall be informed of the means for establishing paternity through the institution of civil action either by the mother or by the district attorney.

.312 The mother shall be offered the choice of instituting suit herself or having suit brought by the district attorney.

.313 If the mother is unwilling to cooperate in developing a plan of action and if the paternity of the child is not established to the satisfaction of the Child Support Unit, the mother shall be informed that the county welfare department will meet the requirement in W&IC Section 11479 by referring the situation to the district attorney. The mother shall be given the opportunity to withdraw the application or to request discontinuance of aid if she does not wish the situation to be referred to the district attorney.

.4 Referral to District Attorney

Unless previously referred under the plan of cooperation, all cases in which the paternity of the child has not been established to the satisfaction of the Child Support Unit shall be referred to the district attorney. The Unit shall indicate to the district attorney with respect to each such referral:

.41 Whether or not the mother has chosen to institute civil proceedings, and

adoption is .42 Whether or not the child is being considered for adoption (see Section 43.123.2), and if being considered, the Child Support Unit shall subsequently advise the district attorney promptly when adoption of the child ceases to be under consideration. (W&IC Section 11479)

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Effective July 1, 1973

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-129 EFFECT OF ABSENT PARENT RESPONSIBILITY ON AID PAYMENTS

43-129

AFDC

- 1 Aid shall be denied or discontinued for a child and for the child's parent [redacted] for so long as the parent who has custody and control of the child, or the parent with whom the child resides knowingly refuses to cooperate with law enforcement officers as described in Section 43-113.2 (W&IC Section 11477).
- 2 Aid shall not be denied, withheld or discontinued:
  - .21 Pending determination of the absent parent's ability to contribute;
  - .22 Pending receipt of the absent parent's contribution; or
  - .23 Because the guardian or person other than the remaining parent refuses to cooperate in the enforcement of child support against the absent parent(s) [redacted]
- 3 Only the contributions actually made by the absent parent on behalf of the children shall be considered in determining eligibility or the amount of aid.

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Effective July 1, 1973

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

These regulations are to be repealed effective July 1, 1973:

Section 10-007.1	Objective
10-007.2	Program
10-007.3	Public Social Services
10-007.31	Service
10-031.2	
10-032	FAMILY AND CHILDREN'S SERVICES ADVISORY COMMITTEE
10-033	UTILIZATION OF PUBLIC AND PRIVATE AGENCIES
10-034.1	Objectives
10-034.2	Services Subject to Purchase, Contract or Cooperative Arrangements
10-034.3	General Requirements for Contracting
10-034.6	Standards for Services Contractors
10-034.7	County Responsibility for Purchase of Services
10-034.8	Rates of Payment
10-035	DEVELOPMENT OF COMMUNITY RESOURCES
10-036	CONTROL METHOD FOR OUT-OF-HOME CARE - ADULTS
10-050	SERVICE PROGRAMS - GENERAL
10-051	REQUIRED SERVICE PROGRAMS - ALL COUNTIES
10-053	RECOMMENDED SERVICE PROGRAMS
10-070	PERSONS TO BE SERVED
10-071	CATEGORICAL PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS
10-072	FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC ASSISTANCE
10-073	NONAIDED, NONLINKED PERSONS
10-201.1	Separation of Income Maintenance Function from Services Functions
10-201.3	Unified Services for Families and Children
10-203	STAFFING STANDARDS
10-204.2	Social Service
10-207	COUNTY PLAN
10-211	COUNTY PROGRAM EVALUATION
10-213	SDSW REVIEW OF OPERATIONS
10-217	REPORTING
10-219	USE OF CWS FUNDS
10-221	STAFF DEVELOPMENT
10-301	ASSESSMENT OF NEED FOR SERVICE
10-302	OFFER OF SERVICE
10-303	VOLUNTARY ACCEPTANCE OF SERVICE
10-304.07	PROVISION OF SERVICES
10-305	ALLOWABLE SERVICE-CONNECTED EXPENSES FOR FAMILIES AND CHILDREN
10-306	SERVICE RECORD
10-307	RIGHT OF FAIR HEARING
10-308	COMPLAINTS

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

These regulations are to be repealed effective July 1, 1973:

Chapter 30-000	INFORMATION AND REFERRAL SERVICE
Chapter 30-050	PROTECTIVE SERVICES FOR ADULTS
Chapter 30-100	PROTECTIVE SERVICES FOR CHILDREN
Chapter 30-200	SERVICES TO STRENGTHEN INDIVIDUAL AND FAMILY LIFE
Chapter 30-210	CHILD SUPPORT SERVICES
Chapter 30-220	MONEY MANAGEMENT
Chapter 30-250	OUT-OF-HOME SERVICES - ADULTS
Chapter 30-300	OUT-OF-HOME SERVICES FOR CHILDREN
Chapter 30-350	CHILD CARE SERVICES
Chapter 30-400	HEALTH CARE SERVICES
Chapter 30-500	HOMEMAKER SERVICES - ADULT
Chapter 31-200	EDUCATIONAL AND TRAINING SERVICES
Chapter 31-350	STATE PRESCHOOL SERVICES
Section 43-117	Responsibilities Appropriate to the Eligibility Section (In Relation to Child Support Services)
Section 43-119	Effect of Absent Parent Responsibility on Aid Payments

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Effective July 1, 1973

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

July 6, 1973

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JUL 6 1973

Office of Administrative Hearings

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code

Sections 42-213.219 and 44-111.31

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on March 9, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy David B. Swoap  
DAVID B. SWOAP, Director**FILED**In the office of the Secretary of State  
of the State of California

JUL 6 - 1973

At 10:30 o'clock A.M.

EDMUND G. BROWN Jr., Secretary of State

By Marjorie R. Kershberger  
Deputy Secretary of State

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 12 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

JUL 12 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 11, 1973

By: *David B. Sneyd*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUL 12 1973

At 3:25 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: *Merilee R. Kershner*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 43-109.31  
43-109.321  
43-109.6  
43-111.161

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Sections 12100 and 12101 of the Welfare and Institutions Code establish a program whereby adult children are held liable for financial contributions to the support of parents who are recipients of Old Age Security (OAS).
2. Numerous complaints have been lodged against the relatives' responsibility law as it is presently being administered under existing regulations.
3. Charges of inconsistent application of the law by the counties, unfair allocation of liability among the adult children of the same OAS recipient, that administrative costs are unduly high, and of harsh financial burdens being imposed in hardship cases which current regulations do not recognize, have been heard from counties and individuals alike.
4. The Director of Social Welfare has authority to adopt regulations to set forth criteria for reducing and eliminating liability in hardship cases, to specify the effective date of liability, and to limit the liability of the adult children.
5. It is necessary to adopt these regulations on an emergency basis in order to reduce the financial burden on responsible relatives of OAS recipients as soon as possible and to implement immediately revised guidelines for determining hardship to ensure statewide uniformity for considering hardship.

The regulatory changes set forth above are adopted as an emergency measure to become effective immediately upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS

**.31 Relatives' Contribution Scale**

Welfare and Institutions Code Section 12101 provides for contributions based on net income. Columns A and B are included for convenience in converting gross income to net income when the income of the adult child includes only his salary or wages. If the adult child's income includes income from property, self-employment, business, etc., his total net income must be determined under the appropriate provisions in Section 43-105.4. Net income so determined is then used, in Column C, in determining his maximum liability under Column D of the scale.

When the net monthly income of the adult child exceeds \$1,150, add \$5 to the appropriate subcolumn of Column D for each additional increment of \$25 in the adult child's net monthly income.

RELATIVES' CONTRIBUTION SCALE								
A	B	C	D					
If relative is 60 years old or older and gross monthly income is:	If relative is under 60 years old and monthly income is:	Then net monthly income is:	Maximum required monthly contribution if number of persons dependent upon income is:					
			1	2	3	4	5	6*
\$ 0. - 1,001.99	\$ 0. - 667.99	\$ 500 or under	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
1,002.00 - 1,051.99	668.00 - 701.33	601 - 525	20	10	0	0	0	0
1,052.00 - 1,101.99	701.34 - 734.66	526 - 550	26	15	0	0	0	0
1,102.00 - 1,151.99	734.67 - 767.99	551 - 575	30	20	0	0	0	0
1,152.00 - 1,201.99	768.00 - 801.33	576 - 600	35	25	5	0	0	0
1,202.00 - 1,251.99	801.34 - 834.66	601 - 625	40	30	10	0	0	0
1,252.00 - 1,301.99	834.67 - 867.99	626 - 650	45	35	15	0	0	0
1,302.00 - 1,351.99	868.00 - 901.33	651 - 675	50	40	20	5	0	0
1,352.00 - 1,401.99	901.34 - 934.66	676 - 700	55	45	25	10	0	0
1,402.00 - 1,451.99	934.67 - 967.99	701 - 725	60	50	30	15	5	0
1,452.00 - 1,501.99	968.00 - 1,001.33	726 - 750	65	55	35	20	10	5
1,502.00 - 1,551.99	1,001.34 - 1,034.66	751 - 775	70	60	40	25	15	10
1,552.00 - 1,601.99	1,034.67 - 1,067.99	776 - 800	75	65	45	30	20	15
1,602.00 - 1,651.99	1,068.00 - 1,101.33	801 - 825	80	70	50	35	25	20
1,652.00 - 1,701.99	1,101.34 - 1,134.66	826 - 850	85	75	55	40	30	25
1,702.00 - 1,751.99	1,134.67 - 1,167.99	851 - 875	90	80	60	45	35	30
1,752.00 - 1,801.99	1,168.00 - 1,201.33	876 - 900	95	85	65	50	40	35
1,802.00 - 1,851.99	1,201.34 - 1,234.66	901 - 925	100	90	70	55	45	40
1,852.00 - 1,901.99	1,234.67 - 1,267.99	926 - 950	105	95	75	60	50	45
1,902.00 - 1,951.99	1,268.00 - 1,301.33	951 - 975	110	100	80	65	55	50
1,952.00 - 2,001.99	1,301.34 - 1,334.66	976 - 1,000	115	105	85	70	60	55
2,002.00 - 2,051.99	1,334.67 - 1,367.99	1,001 - 1,025	120	110	90	75	65	60
2,052.00 - 2,101.99	1,368.00 - 1,401.33	1,026 - 1,050	125	115	95	80	70	65
2,102.00 - 2,151.99	1,401.34 - 1,434.66	1,051 - 1,075	130	120	100	85	75	70
2,152.00 - 2,201.99	1,434.67 - 1,467.99	1,076 - 1,100	135	125	105	90	80	75
2,202.00 - 2,251.99	1,468.00 - 1,501.33	1,101 - 1,125	140	130	110	95	85	80
2,252.00 - 2,301.99	1,501.34 - 1,534.66	1,126 - 1,150	145	135	115	100	90	85
			150	140	120	110	100	90
			155	145	125	115	105	95
			160	150	130	120	110	100
			165	155	135	125	115	105
			170	160	140	130	120	110

\* Reduce monthly contribution by \$5 for each additional person dependent on income.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-109      **RESPONSIBILITY OF ADULT CHILD (Continued)**

43-109

OAS      .32      Modification or Elimination of Liability

.321      Major Unusual Expenses and Resulting Hardship

Liability may be fixed at less than the maximum if the relative: ☐ establishes by evidence that major unusual expenses limit his ability to contribute, and ☐ that undue hardship will result if the maximum liability is imposed. ☐ The county may, in cases where a determination is made that a finding of undue hardship is warranted, reduce the maximum liability and shall document the basis for such reduction in the case record. If undue hardship is established, the expenses which are allowed are deducted from the relative's net income and a modified liability determined by application of the Relatives' Contribution Scale. undue

Major unusual expenses which may be allowed in establishing a finding of hardship are:

- a. Monthly medical or dental expenses (not covered by insurance), including health insurance premiums, of the responsible relative and his dependents.
- b. Payments to meet court-ordered legal judgments, garnishments, child support or alimony, nonpayment of which would result in incarceration or job loss.
- c. Institutional care payments for a member of the immediate family (parent, spouse or child).
- d. Funeral expenses for members of the responsible relative's immediate family (parent, spouse or child).
- e. Educational expenses of the responsible relative and his dependents.
- f. Casualty losses (due to fire, earthquake, theft, etc.) to the extent such losses are not covered by insurance.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS

.321 Major Unusual Expenses and Resulting Hardship (Continued)

- g. Contributions for medical and household expenses made by a responsible relative to a parent not receiving public assistance.

~~undue~~  
In all cases where hardship is established and the relative's monthly liability is reduced, the county shall reexamine the case at intervals of no more than six months for the purpose of reevaluating all facts which are pertinent to a finding that the undue hardship reduction should continue.

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS

.6 Modification of Liability

- .61 One Adult Child - When the monthly liability of an adult child of an OAS recipient or applicant exceeds the amount of the cash grant, the liability will be reduced to the amount of the cash grant.

- .62 More than One Adult Child - When an OAS applicant or recipient has more than one adult child with a responsible relative liability and the sum of the liabilities of such adult children exceeds the amount of the cash grant, the liabilities of such adult children shall be reduced proportionately to a total amount equal to the amount of the grant. The proportionate share of any one of such adult children shall not be subsequently increased upon the failure of any of the recipient's other adult children with a responsible relative liability to pay the remaining pro rata share(s).

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-111    PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN    43-111  
ADULT CHILD (Continued)

OAS

.161    Effective Date

The effective date of the liability shall be the first day of the month in which the relative is notified of the amount of his liability unless the relative wilfully and without good cause delayed in providing requested information essential to the determination of his liability. In such case, any liability subsequently fixed or increased shall be effective in the month following that in which the information was requested.

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## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

July 18, 1973

RECEIVED FOR FILING

JUL 18 1973

Office of Administrative Hearings

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

Sections 43-105.41, 43-105.42(c), 43-109, 44-241, 44-305.21,  
44-311.113, 44-315.23

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on March 21, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social Welfare

By

David B. Swoap  
DAVID B. SWOAP, Director**FILED**In the office of the Secretary of State  
of the State of California

JUL 18 1973

At 3:45 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By Mary R. Krahmer  
Deputy Secretary of State

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 10 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
Gov. Code 11380.2)

AUG 10 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 10, 1973

By:

*David B. Searap*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

AUG 10 1973

At 9:45 o'clock a.m.

EDMUND G. BROWN Jr., Secretary of State

By:

*Merilee R. Hershberger*

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

#### FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Section 44-111.21  
44-111.22  
44-111.23  
44-113.2

Repeal:

Section 44-113.25  
44-114

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 28.1 of the Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) established new statutory requirements concerning work-related expenses.
2. Subsequent to the enactment of this law, the case of Conover et al. v. Hall et al. was filed in the Superior Court of Sacramento County. This case relates to the provisions of Section 28.1.
3. The Director of Social Welfare has, since the enactment of the Welfare Reform Act of 1971, adopted emergency regulations implementing Section 28.1 and a preliminary injunction issued in the case of Conover et al. v. Hall et al.
4. Emergency regulations relating to work-related expenses have also been adopted to prevent undue hardship upon affected recipients and to equitably adjust the reimbursement or deduction of necessary costs of transportation.
5. On November 13, 1972 the Court of Appeal, in the case of Conover et al. v. Hall et al., upheld the validity of a standard allowance for work-related expenses. On January 19, 1973 plaintiff's request for a hearing before the California Supreme Court was granted.
6. Pending final resolution of this litigation, it is necessary to continue in force by the adoption of these emergency measures the work-related expense regulations previously adopted to permit counties to continue allowing the deduction of work-related expenses as provided by federal law and regulation.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS  
INCOME (Continued)

44-111

.2 Exemption of Earned Income — General

ATD  
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

44-113 NET INCOME (Continued)

44-113

AB  
APSB  
ATD  
OAS  
AFDC  
MN

.2 Earnings

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient

.211 Received Monthly or on Basis other than Recurring Lump Sum

a. As an Employee (Wages, Salary or Commissions)

AB  
ATD  
OAS  
AFDC

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.231 and .232) from the amount determined in Item 2.
- (4) Any remainder is considered nonexempt net income.

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**CONTINUATION SHEET**  
**FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB  
 ATD  
 OAS  
 AFDC

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Connection with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee.
- (2) Deduct business work expenses (see Section 44-113.233) from gross income. (See Section 44-113.1.)
- (3) Deduct the exempt income (see Section 44-111) from the amount determined in Item 2.
- (4) Deduct personal and nonpersonal work expenses (Section 44-113.231 and .232) from the amount determined in Item 3.
- (5) Any remainder is considered nonexempt net income.

.212 Received in Recurring Lump-Sum Payments (as an Employee or from Self-Employment)

- a. Determine gross income for the month (see Section 44-102).
- b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.231, .232 & .233) for the month using the same method used to allocate income in a.
- c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

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**CONTINUATION SHEET**  
**FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

APSB

.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment)

- a. Determine gross income from earnings or business.
- b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.231, .232 and .233) from the amount determined in Item a.
- c. Deduct from net income the exempt income (see Section 44-111.12).
- d. Any remainder is considered nonexempt income.

AB  
APSB  
ATD  
OAS  
AFDC

.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212, or .213 above, whichever is appropriate.

AB  
APSB  
ATD  
OAS

**.22 Earnings of Ineligible Spouse**

Net income received by an ineligible spouse from his own earnings is computed as follows:

.221 Determine gross income from such earnings.

.222 Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

.223 Any remainder is considered net income of the spouse.

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**CONTINUATION SHEET**  
**FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB  
 APSB  
 ATD  
 OAS  
 AFDC

.23 Work-Related Expenses — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

(b) Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such child care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient. In accordance with Section 30-156, child care expenses related to training are paid from administrative funds and not deducted from income.

(c) Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

(d) Transportation — The necessary costs of transportation to and from work shall be allowed as follows:

(1) If the recipient uses his own motor vehicle — 12 cents/mile less any amounts contributed by persons who ride with him. If the total amount contributed is greater than 12 cents/mile, the excess shall be net nonexempt income to the recipient.

(2) If the recipient rides in a private motor vehicle other than his own — the amount contributed by the recipient to the owner or driver of the motor vehicle, provided such amount is reasonable and does not exceed 6 cents/mile.

The amount allowed for transportation costs in any of the above situations may not exceed the actual cost of public transportation (bus, train or streetcar), if the county determines that it is available to the recipient.

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**CONTINUATION SHEET**  
**R FILING ADMINISTRATIVE REGULAT**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB  
APSB  
ATD  
OAS  
AFDC

.232 Nonpersonal Expenses

- (a) Costs for transportation to call on customers. See Section 44-113.231(d) above for limitations.
- (b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.
- (c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

.233 Business Expenses — The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

AFDC

.24 Other Deductions from Net Income

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

.241 Court-Ordered Support Payment by Natural Parent

Deduction for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, shall be made not to exceed three months if the parent requests review of the order. If, upon review, the court orders continued support payments, the amount of the actual payment pursuant to the court order shall be deducted until the order is changed. In no instance shall the deduction allowed exceed the amount of the payment required by the court order.

.242 Child's Income

Only the amounts exempted under Section 44-111.23 and 44-111.24 may be deducted from a child's income.

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**CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 8/10/73:

Section 44-113.25    Other Deductions from Net Income

Section 44-114       DETERMINATION OF WORK-RELATED TRANSPORTATION  
EXPENSES

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

August 10, 1973

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

Sections 42-303, 44-115.91, 44-115.93, 44-115.94, 44-212.2, 44-315.411,  
and 44-315.422

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on May 17, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

AUG 10 1973

Office of Administrative Hearings

**FILED**  
in the office of the Secretary of State  
of the State of CaliforniaAUG 10 1973 m  
At 9:45 o'clock a M.  
EDMUND G. BROWN Jr., Secretary of State  
By Mejia R. Hershberger  
Deputy Secretary of State

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

August 10, 1973

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

Section 44-239.264

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on April 20, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

AUG 10 1973

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of CaliforniaAUG 10 1973  
At 9:45 o'clock a M.  
EDMUND G. BROWN Jr. Secretary of State  
By Marjorie R. Kershner  
Deputy Secretary of State

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

August 10, 1973

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code.

Sections 44-207.1, 44-208.1, 44-311.111, and 44-311.113

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on May 17, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

AUG 10 1973

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of CaliforniaAUG 10 1973  
At 9:45 o'clock a.M.  
EDMUND G. BROWN, Jr., Secretary of State  
By Mary R. Kershberger  
Deputy Secretary of State

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 24 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

AUG 24 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: Aug. 23, 1973By: Lowell B. Sweig

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

AUG 24 1973

At 9:15 o'clock a M.

EDMUND G. BROWN Jr., Secretary of State

By: Melanie R. Hershberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

Amend:

Adopt:

Section 14-100  
14-200  
14-300  
14-310  
14-320  
14-325  
14-400  
14-500  
14-510  
14-520  
14-525  
14-600  
14-610  
14-620  
14-700  
14-800

Section 14-330  
14-410  
14-420  
14-530

Repeal:

Section 14-820  
10-221.2

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

14-300    ORIENTATION TRAINING

14-300

Each new county welfare department employee shall be provided initial orientation training to help him understand how he fits into the operation. The orientation program shall include the following basic elements: general county policies and programs which affect the new staff member, the county welfare department's specific purposes, historical background and current functions, physical facilities and administrative organization within the county welfare department, personnel policies and office rules and regulations, and employee obligations, rights and responsibilities (see Section 21-003).

14-310    INDUCTION TRAINING

14-310

Each new county welfare department employee and each employee at the time of a significant change in job responsibility or when reinstated to a former position shall be provided with training designed to introduce him to the specific functions, duties, and responsibilities of the job. The content, length, and method of training shall be suitably related to the nature of the job responsibility, goals and standards of performance, background of previous experience and education, and to the further training and educational opportunities to be provided the employee through the staff development program.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

14-320    SOCIAL SERVICE WORKERS INDUCTION TRAINING

14-320

Each employee assigned to a social service program shall receive induction training at the time of initial appointment, significant changes in job responsibilities, promotion, or transfer. This training shall be completed within 120 calendar days from the date of employment. The training program provided shall include content on the social services programs, short-term goal-oriented intervention, use of referrals, community and agency resources, fraud prevention, nondiscrimination, workload management, recording techniques, and be in accordance with standards and guides developed by the State Department of Social Welfare.

14-325    ELIGIBILITY WORKERS INDUCTION TRAINING

14-325

Each employee assigned to eligibility and grant determination functions shall receive training on these functions within 90 calendar days from the date of employment or significant change in job duties. The training program provided shall include content on eligibility and grant determination, interviewing, fraud prevention, nondiscrimination, referrals to services, workload management, recording techniques client rights and responsibilities and be in accordance with standards and guides developed by the State Department of Social Welfare.

14-330    AIDES INDUCTION TRAINING

14-330

Each employee in the aide classifications assigned to the public assistance programs shall receive induction training during the first 60 calendar days of his employment. The training provided shall be in accordance with standards and guides developed by the State Department of Social Welfare (see Section 10-203.741).

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

14-400 CONTINUING TRAINING

14-400

Each county welfare department shall, in addition to orientation and induction training, plan and carry out by expert leadership at suitable intervals appropriate inservice training for staff of the department. Expert leadership means leadership provided by someone with special qualifications, experience and/or education relative to a specific area of content in the field to be taught. Suitable intervals are to be determined by the subject matter demands of the specific training programs and the individual needs of the staff to be trained. These training programs and courses shall be designed to increase the employee's knowledge and understanding of the subject field in the area of his job assignment, to provide him with knowledge and understanding of new and changing ideas, procedures and concepts in his field, and keep him current on program changes, new programs and other subject areas related to his duties and functions.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

14-410    FUNCTIONAL INSERVICE TRAINING

14-410

Functional inservice training to provide staff of all classifications with specific knowledge and skill required for them to perform on the job to which they are assigned shall be required as part of the continuing training program. Individual functional training in role, responsibilities and duties shall be identified for management or administrative staff, supervisory staff, technical staff, clerical staff, social service workers, eligibility workers, aides, volunteers and homemakers.

14-420    COUNTY WELFARE DEPARTMENT INSERVICE TRAINING

14-420

County welfare department program inservice training to provide staff members assigned to the program with special content knowledge and unique skills needed for performance of the assigned job duties shall be required as part of the continuing training program.

- .1 County Welfare Department Inservice Training - Welfare Payments System  
Inservice training shall be designed to provide the special knowledge and skills required for the administration of the welfare payments system.
- .2 County Welfare Department Inservice Training - Social Service Systems  
Inservice training shall be designed to provide the special knowledge and skills required by the individual social service programs.
- .3 Inservice Training in Changes in Regulations and Introduction of New Programs  
Inservice training introducing changed or new programs shall be conducted for staff members whose jobs are affected.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

14-420 COUNTY WELFARE DEPARTMENT INSERVICE TRAINING (Continued)

14-420

.4 Other Continuing Training Programs Required by Special Regulation

The continuing training program shall include specific training programs required by special regulation. These shall include nondiscrimination training (Section 21-003), fraud prevention (Section 20-000), and career service opportunities (Section 10-203).

14-500 EDUCATIONAL LEAVE

14-500

Each county welfare department shall make provision for granting educational leave to permanent and probationary employees engaged in the administration of the public welfare program. (See Welfare and Institutions Code Section 10900 and Local Agency Personnel Standards Section 11797.)

14-510 ADMINISTRATIVE APPROVAL OF EDUCATIONAL LEAVE

14-510

The county or its delegated agent may determine, on an individual selective basis, the number of employees to whom educational leave will be granted.

14-520 EDUCATIONAL PROGRAMS

14-520

Each county welfare department shall make provision for employees to participate in educational programs as well as in local scholarship programs which have been established in accordance with Welfare and Institutions Code Section 10907.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

14-525    PROCESSING EDUCATIONAL LEAVE APPLICATIONS

14-525

Each application for educational leave shall be reviewed and processed by the county welfare departments. A statement containing reasons for recommendation or rejection shall be retained by the county.

14-530    CONDITIONS OF EDUCATIONAL LEAVE

14-530

The primary purpose of full- or part-time educational leave is to prepare staff members for advancement and to improve their performance on the job. Educational leave shall be provided in accordance with county staff development and inservice training policy (see Sections 10-221.1 and 14-200).

14-600    COUNTY STAFF DEVELOPMENT PROGRAM STATEMENT

14-600

Each county welfare department shall have on file a current annual staff development program statement. The statement shall present the county welfare department's commitment to develop and implement a staff development program which meets, as a minimum, the requirements outlined in the preceding sections, including orientation training, induction training, educational leave provisions, continuing training activities (Section 10-221), and such specific training courses as the State Department of Social Welfare may prescribe on a statewide basis. This shall be carried out in accordance with standards and policies developed by the State Department of Social Welfare for the administration and operation of such programs.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**14-610 SUBMISSION AND APPROVAL OF ANNUAL STAFF DEVELOPMENT PROGRAM  
STATEMENT**

**14-610**

Each county welfare department shall annually submit to the State Department of Social Welfare the county's staff development program statement for personnel for the forthcoming twelve-month period effective September 1. The statement shall be submitted to the State Department of Social Welfare no later than October 1 to allow sufficient time for adequate review and acknowledgment.

**14-620 MAINTENANCE OF DOCUMENTATION FOR REVIEW AND SUBSTANTIATION OF  
STAFF DEVELOPMENT PROGRAM STATEMENT**

**14-620**

The county welfare department shall maintain back-up material on their staff development program statement. This material shall be made available to the State Department of Social Welfare on request.

Records shall be maintained in the county welfare department which shall provide documentation of implementation of the individual regulatory standards and elements on the staff development program statement. Documentation shall also provide identification of the subject of each training program, classification and number of participants, number of hours and sessions for each training program, number of county personnel attending workshops and seminars, and number of staff on full-time or part-time educational leave. It shall also include the budget for salaries of training personnel, training materials, equipment and expenses, including library expenses.

**14-700 ACTIVITY REPORTING**

**14-700**

Each county welfare department shall submit reports of its staff development activities or any part thereof to the State Department of Social Welfare upon request.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

14-800 STAFF DEVELOPMENT PERSONNEL

14-800

.1 Staff Standards

There must be adequate numbers of personnel with suitable qualifications drawn from appropriate disciplines to carry out the required training activities for all levels and classes of personnel with regard to staff functions and agency programs.

.2 Justification of Staffing Standards

The staff development program shall include:

- .21 The staffing pattern for full- and part-time personnel, both administrative and direct training including a designated person responsible for total county welfare staff development program.
- .22 An explanation of how the quantity and quality of training programs will be maintained.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective 9/23/73:

Section 10-221.2

SD 820 (14-820) FORMULA FOR DETERMINING COUNTY WELFARE DEPARTMENTS  
WHICH ARE REQUIRED TO HAVE A FULL-TIME STAFF  
DEVELOPMENT SUPERVISOR AND OTHER TRAINING PERSONNEL

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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SEP 25 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

SEP 25 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: Sept. 24, 1973By: David B. Sweezy  
DIRECTOR

(Title)

FILED

In the office of the Secretary of State  
of the State of California

SEP 25 1973

At 10:00 o'clock a M.

EDMUND G. BROWN Jr., Secretary of State

By: Maipie R. Kershner  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2164.3.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421 (b) of the Government Code:

Amend: Sections 41-407.2  
41-407.31  
41-407.33  
41-430.1  
41-430.31  
41-430.322  
41-440.21  
41-440.22  
41-440.31  
41-440-53

Adopt: Sections 41-407.4  
41-408

Renumber:  
Section 41-407.5 from 41-407.4

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Public Law 92-223 requires the establishment of new procedures for all employable AFDC applicants and recipients.
2. Public Law 92-223 became effective July 1, 1972.
3. The Department of Health, Education and Welfare and the Department of Labor published regulations implementing Public Law 92-223 on June 20, 1972.
4. On August 13, 1973, the Departments' of Social Welfare and Human Resources Development entered into a cost-reimbursement contract with the U. S. Department of Labor.
5. Said contract pertains to the registration requirements of nonexempt AFDC applicants and recipients and family members subject to the Talmadge Amendments for manpower services, training and employment.
6. Pursuant to the substantive and procedural requirements of the aforementioned contract and the dictates of Public Law 92-223, it is necessary to modify, adopt and repeal the instant regulations.
7. In order to permit counties to apply these new state regulatory requirements within the appropriate time frame, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes herein set forth are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-407 REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES  
OR TRAINING (Continued)

41-407

AFDC .2 Requirement to Register with the Department of Human Resources  
Development

To be eligible for AFDC all individuals shall register with the Department of Human Resources Development for employment, manpower services or training. If the individual is not an AFDC-U parent, he may be exempt from such registration when he is:

.21 A child who is under age 16; or

.22 A child 16 or older but under 21 years of age who is in school full-time; or

.23 Ill with medical evidence that the illness or injury temporarily prevents entry into employment or training; or

.24 Incapacitated       ; or

.25 65 years of age or older; or

.26 Residing at a location which is too remote from a work incentive project. Remoteness from a work incentive project is defined by the county; or

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

41-407 REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES  
OR TRAINING (Continued)

41-407

AFDC

- .27 A caretaker whose presence in the home is required on a substantially continuous basis because of the illness or incapacity of another member of the household; or
- .28 A mother or other caretaker relative of a child under age 6 including an unborn child; or
- .29 A mother or other female caretaker of a child if the father or adult male relative in the home is not exempt from registration and is registered and has not refused without good cause to participate in a work incentive program or to accept employment.

.3 County Responsibilities for Referral of Potential Registrants to the Department of Human Resources Development

.31 Applicants for AFDC or current nonregistered AFDC recipients at time of redetermination of eligibility for benefits, shall be referred by the county to the Department of Human Resources Development for registration for employment, manpower services, and training, unless the county determines that the individual is (or continues to be) exempt because he or she is:

.311 A child under the age of 16; or

.312 A child 16 or older but under 21 years of age who is in school full time; or

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(Pursuant to Government Code Section 11380.1)

41-407 REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES  
OR TRAINING (Continued)

41-407

AFDC

- .313 65 years of age or older; or
- .314 Residing at a location which is too remote from the work  
incentive project. Remoteness from a work incentive project  
is defined by the county; or
- .315 The mother or caretaker relative of a child under 6 years  
of age including an unborn child; or
- .316 A mother or other female caretaker of a child if the father  
or adult male relative is not exempt from registration and  
is registered and has not refused without good cause to  
participate in a work incentive program or to accept  
employment.
- .317 A father who is unable to work because of his incapacity and  
that is the family's basis of deprivation; or
- .318 Obviously incapacitated so that all possible benefit from  
employment, manpower services or training is precluded, such  
as an individual who:
- a. is hospitalized,
- b. is confined to a bed or wheelchair, or
- c. uses a prosthetic device which precludes employment.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

41-407      REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES      41-407  
OR TRAINING (Continued)

AFDC      .33 The Department of Human Resources Development shall register eligible individuals referred by the county unless they are exempt under Section 41-407.2. Such individuals who cannot report in person to the Department of Human Resources Development because they are fully employed may register by mail at the discretion of the Department of Human Resources Development.

41-407      REQUIREMENTS TO REGISTER FOR EMPLOYMENT, MANPOWER SERVICES,      41-407  
OR TRAINING (Continued)

.4 County Responsibility Relating to the Return of Deregistered Individual

Any volunteer registrant who subsequently chooses not to participate may continue to receive AFDC under the appropriate exemption criteria even though the person is deregistered by the Department of Human Resources Development.

.5 Requirement for Registrants to Accept Employment, Manpower Services, or training

As a condition of eligibility for AFDC, all registrants shall accept employment, manpower services or training when offered in accordance with Chapter 30-150 unless there is good cause for refusal. Determination of good cause shall be made in accordance with Section 30-154.

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(Pursuant to Government Code Section 11380.1)

41-408 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
MANPOWER SERVICES, OR TRAINING

41-408

AFDC .1 Refusal to Register

AFDC eligibility is affected as follows when an individual refuses to register with the Department of Human Resources Development for employment, manpower services, and training:

.11 In the case of an AFDC-U parent (including those not in the FBU), or needy AFDC caretaker relative, the entire family is ineligible until the parent registers.

.12 In the case of any other individual who is not exempt from registration, the individual is ineligible for assistance until he registers. If he was the only eligible child in the family, aid to the family shall be discontinued.

.2 Refusal to Report

AFDC eligibility is affected as follows when an individual without good cause refuses to report as required by Section 30-151.3 or fails to conduct an adequate job search as required by Section 30-152:

.21 In the case of an AFDC-U parent (including those not in the FBU), or needy AFDC caretaker relative who is not a WIN participant, the family is ineligible for aid.

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

41-408 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
MANPOWER SERVICES, OR TRAINING (Continued)

41-408

AFDC

.22 In the case of any other non-WIN participant who is not exempt from registration, the individual is ineligible for aid. If the individual is an AFDC youth and was the only eligible child in the family, aid to the family shall be discontinued.

.3 Refusal to Accept Employment, Manpower Services, or Training by an  
Uncertified Recipient

AFDC eligibility is affected as follows when an individual who is not certified as being ready for employment or training under WIN without good cause refuses to accept employment or training:

.31 In the case of an AFDC-U parent (including those not in the FBU), or needy AFDC caretaker relative, the family is ineligible for aid.

.32 In the case of any other individual who is not exempt from registration, the individual is ineligible for aid. If the individual is an AFDC youth and was the only eligible child in the family, aid to the family shall be discontinued.

.4 Refusal to Accept Employment, Manpower Services, or Training by a  
Certified Recipient

The WIN sanction shall be applied when an individual who is certified as being ready for employment or training under WIN refuses without good cause to accept employment or to participate in WIN, as follows:

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**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

41-408    PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
MANPOWER SERVICES, OR TRAINING (Continued)

41-408

AFDC

.41 Within seven days after receipt of the adverse decision following an appeal pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code or within seven days after the refusal if no appeal is filed, the county shall notify the individual of the availability of counseling for up to 60 days to reconsider his refusal. The 60-day period shall begin upon the mailing of the notice.

.42 If the individual has previously been determined to have without good cause refused to accept employment or to participate in WIN and has been counseled, he will not be eligible for a second period of counseling, unless warranted by unusual circumstances.

.43 Where the individual is an AFDC-U parent, his needs shall be taken into account in determining family need, and his family shall be provided assistance in the form of protective or vendor payments during the period he is eligible for and continues to accept counseling. If he refuses to accept counseling or if at the end of 60 days he continues to refuse to accept employment or to participate in WIN, the county shall delete him from the Family Budget Unit at the end of the month in which he refuses counseling or the 60-day period terminates. If the individual is not eligible for counseling, the county shall delete him from the Family Budget Unit after receipt of the adverse decision following an appeal pursuant to Chapter 4 (commencing with Section 5300) of Division 2

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(Pursuant to Government Code Section 11380.1)

41-408 PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
MANPOWER SERVICES, OR TRAINING (Continued)

41-408

AFDC .4 Refusal to Accept Employment, Manpower Services, or Training by a  
Certified Recipient (Continued)

of the Unemployment Insurance Code or within seven days after  
the refusal if no appeal is filed. The remainder of the Family  
Budget Unit shall continue to be eligible to receive assistance  
in the form of protective or vendor payments.

In the case of any other individual who is not exempt from  
registration, his needs shall be continued during the period he  
is eligible for and continues to accept counseling. If he  
refuses to accept counseling or if at the end of 60 days he  
continues to refuse to accept employment or to participate in  
WIN, the county shall delete him from the Family Budget Unit at  
the end of the month in which he refuses counseling or the 60-day  
period terminates. If the individual is not eligible for counseling  
the county shall delete him from the Family Budget Unit after  
receipt of the adverse decision following an appeal pursuant to  
Chapter 4 (commencing with Section 5300) of Division 2 of the  
Unemployment Insurance Code or within seven days after the refusal  
if no appeal is filed. If the AFDC youth was the only eligible  
child in the family, aid to the family shall be terminated.

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**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

41-408    PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
MANPOWER SERVICES, OR TRAINING (Continued)

41-408

AFDC    .5 Failure to Participate in CWEP

If the individual fails without good cause to participate in the  
Community Work Experience Program, he will be deleted from the Family  
Budget Unit.

The sanction shall be applied at the end of the month in which the  
disqualifying act occurs. If the county is unable to discontinue  
aid at the end of such month because the 15-day advance notice period  
has not yet expired, aid shall be discontinued effective on the next  
installment delivery date. The period of disqualification shall  
commence on the date of discontinuance and shall be:

.51 three months.

.52 six months if the individual had previously been disqualified under  
this section.

.53 twelve months if the individual had previously been disqualified  
two or more times under this section.

41-430    PHYSICAL OR MENTAL INCAPACITY OF A PARENT

41-430

AFDC    .1 Mother Incapacitated

Deprivation exists when the county determines that a physical or mental  
illness or disability prevents the mother from giving her child(ren)  
normal care.

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

41-430 PHYSICAL OR MENTAL INCAPACITY OF A PARENT (Continued)

41-430

AFDC

- .31 Physical Incapacity - a completed copy of a current Form CA 341, Medical Report, or a current Form DM-3 Certificate of Disability, or a current OASDI Certificate of Social Insurance Award, or a State Disability Award, or obvious incapacity (i.e., hospitalized, bedfast, chairbound, requiring assistive medical appliances) verified by a written statement from a physician.

41-430 PHYSICAL OR MENTAL INCAPACITY OF A PARENT (Continued)

41-430

AFDC

- .322 Written social data indicating a behavioral disorder characterized by deviate social behavior, which in the case of an incapacitated father prevents him from securing and holding employment; or in the case of an incapacitated mother prevents her from giving her child(ren) normal care. Examples of behavior include, but are not limited to the following: alcoholism, drug addiction or criminal activity.

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC

- .21 Shall be registered with the Department of Human Resources Development for employment, manpower services, or training and shall possess or have applied for a Social Security Number. Assignment of an individual to WIN training or requiring participation of more than the number of hours specified in this section shall not be cause for denial or discontinuance of AFDC.

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(Pursuant to Government Code Section 11380.1)

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC

- .22 If federally eligible, shall be certified to, accepted for, or participating in any of the following: WIN, ETS, and MDTA projects; Job training programs approved by the Director of the State Department of Social Welfare; WIN equivalent projects established as part of an ongoing manpower development program under provisions of the Economic Opportunity Act and Title 1, Elementary and Secondary Education Act.

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

- .31 WIN Families

All direct cash payments to the WIN family shall be terminated immediately upon receipt of notice from the Department of Human Resources Development that the refusal was without good cause and AFDC shall be continued as a protective or vendor payment; subject to other conditions attached to the WIN sanction (see Sections 41-408.4 and 44-307).

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

- .53 There is no federal or state participation for any period from the 31st day after receipt of aid, until the federally eligible father \_\_\_\_\_ is certified to WIN.

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

OCT 10 1973

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: Oct. 10, 1973

By: David R. Swanson

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

OCT 10 1973

At 11:15 o'clock a M.

EDMUND G. BROWN, Jr., Secretary of State

By Marjorie R. Shoberger  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These revisions do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adopt: Section 22-022.6

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The United States Department of Health, Education, and Welfare on August 15, 1973 published regulations requiring states to pay aid to a recipient who filed a timely request for a fair hearing until a decision is rendered after a fair hearing subject to recovery by the agency if its action is sustained.
2. Such federal regulations also require state agencies to specify uniform statewide policies for recouping aid paid pending a fair hearing decision.
3. In order to implement these new federal requirements in a timely manner, it is necessary to adopt this regulation on an emergency basis.

The regulatory changes herein set forth are adopted as emergency measures to become effective upon filing with the Secretary of State.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-022      TIMELY NOTICE - ASSISTANCE PENDING HEARING  
                 (Continued)

22-022

.6 If a county action is sustained by a hearing decision or if the claimant unconditionally withdraws or abandons his fair hearing request, any aid paid pending such hearing decision or prior to such unconditional withdrawal or abandonment shall be recouped by the county.

.61 Recoupment is limited to aid paid pending a hearing during the 12 months preceding the month in which the hearing decision became effective or the withdrawal or abandonment occurs.

.62 Recoupment shall be made from available income and resources (including disregarded, set aside or reserved items) and from current aid payments, provided that, if recoupment is made from current aid payments, such recoupment shall not cause undue hardship on the claimant.

.63 The limits of recoupment from current aid payments, for the purpose of determining undue hardship, shall be such that resources available to meet the needs of a needy child or children are not reduced below the standard of need for such child or children for the period of recoupment.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-022      TIMELY NOTICE - ASSISTANCE PENDING HEARING  
(Continued)

22-022

- .64 "Aid paid pending" means the amount of aid paid to the claimant due to the timely filing of a fair hearing request and which would not otherwise have been paid.

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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OCT 15 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

OCT 15 1973

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: Oct. 15, 1973By: David B. Sweep

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

OCT 15 1973

At 4:10 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: Muriel R. Shrahberger  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 1142(b) of the Government Code:

Amend:

Repeal:

Sections 22-001.1

22-001.2

22-001.3

22-003.11

22-007.1

22-009.1

22-009.12

22-009.13

22-022.1

22-022.3 (Renumbered from 22-022.2)

22-022.4 (Renumbered from 22-022.3)

22-023.11

22-023.32 (Renumbered from 22-023.22)

22-026.1

22-045.1

22-053.12

22-054

22-056

22-059.3

22-061.1

22-065.1

Sections 22-003.12

22-023.12

22-023.13

22-026.2

22-026.3

22-047.2

22-051.3

Adopt:

Sections 22-022.2

22-022.5

22-023.2

22-025.13

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

Renumber:

Sections 22-003.12 from 22-003.13  
22-003.13 from 22-003.14  
22-023.3 from 22-023.2  
22-023.31 from 22-023.21  
22-023.33 from 22-023.23  
22-023.34 from 22-023.24  
22-023.341 from 22-023.241  
22-023.342 from 22-023.242  
22-023.343 from 22-023.243  
22-023.35 from 22-023.25  
22-023.36 from 22-023.26  
22-026.2 from 22-026.4

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(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Department of Social Welfare is currently involved in litigation (Webb v Carleson) which has the potential impact of causing vast increases in requests for fair hearings and concurrent increases in the expenditure of funds for "aid paid pending" such hearings. Current expenditures for aid paid pending exceed \$4.5 million per year.
2. Beginning January 1, 1974, aid programs for the Disabled, Aged, and Blind will be administered by the federal government. The conversion process from state administration will result in brief but substantial increases in fair hearing requests and concurrent increases in the expenditure of "aid paid pending."
3. On August 15, 1973, the Department of Health, Education and Welfare published regulations requiring changes in state fair hearing practices.
4. These regulations implement the changes contained in the new federal regulations and provide for procedures which will result in a more expeditious resolution of fair hearings.
5. In order to implement the federal regulations as soon as possible and provide an improved capability to reach a prompt final determination of aid pending and other fair hearing issues, thus preventing the unnecessary expenditure of public funds through "aid paid pending" to persons who would otherwise be ineligible to receive such aid, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-001    DEFINITIONS - FAIR HEARING

22-001

- .1 Fair hearing is an administrative procedure established pursuant to Federal Regulations (45 CFR 205.10) and to Sections 10950 through 10965, Welfare and Institutions Code of California, providing a dissatisfied claimant an opportunity to present his case directly to the State Department of Social Welfare for formal decision.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

22-001    DEFINITIONS - FAIR HEARING (Continued)

22-001

- .11 An opportunity for a fair hearing is available to any applicant or recipient who requests a hearing in the manner set forth below who is dissatisfied because his application for financial or medical assistance is denied or is not acted upon with reasonable promptness, county action has resulted in the suspension, reduction, discontinuance or termination of his assistance or he is dissatisfied with any action of the county department relating to his application for or receipt of aid or services.
- .12 A fair hearing request may be denied or dismissed where the sole issue is one of state or federal law requiring automatic grant adjustments for classes of recipients.

22-001    DEFINITIONS - FAIR HEARING (Continued)

22-001

- .2 A request for a fair hearing is any clear written expression from a claimant, or his duly authorized representative, filed at the office of the Chief Referee, that he wants the Department to take action concerning his expressed reasons for dissatisfaction.
- .3 The filing date of the claimant's request for a fair hearing is the date he mails, or otherwise submits such request to the Office of the Chief Referee. If the claimant is provided a preliminary hearing in accordance with Section 22-023.2, the filing date of his request for fair hearing is suspended until the date of the decision from such preliminary hearing, except for the purpose of meeting the 90 day limitation established in Section 22-009.1.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-003 RIGHT TO FAIR HEARING (Continued)

22-003

.11 Requests for Review

The claimant may request a review of any county action by the State Department of Social Welfare without requesting a fair hearing. ~~Such a review is to be distinguished from the~~ administrative hearing procedure which a county may provide after a fair hearing has been requested. (See Section 22-023.2.) If the claimant remains unsatisfied after that review is completed, he may request a fair hearing subject to the limitation for filing such requests for fair hearing.

22-003 RIGHT TO FAIR HEARING (Continued)

22-003

.12 Claimant Dies After Request for Fair Hearing

If a claimant dies after a request for a fair hearing has been filed by him, and before the decision of the Director of the Department of Social Welfare has been rendered in the case, the proceedings begun may be continued on behalf of the claimant's estate, or by an heir of the claimant if a legal representative has not been duly appointed.

.13 Request for Fair Hearing After Death of Claimant

If dissatisfied claimant dies before he can file his request for a fair hearing, the duly appointed representative of the claimant's estate, or any heir of the claimant if no representative has been appointed, may file such request when the claimant was dissatisfied with the denial of his application for assistance, or was dissatisfied with the amount of the assistance he was receiving prior to his death.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**22-007 CLAIMANT RESPONSIBILITY****22-007****.1 Form of Request for Fair Hearing**

The claimant must request a fair hearing in writing. The request should be filed on the back of the Form ABCD 239 which gave notice of the proposed action which the claimant disputes, however, the request need not be in any particular form. The county agency shall assist the claimant in filing his request for a fair hearing with the Chief Referee. A printed form provided by the State Department of Social Welfare for such request may be given the claimant by the county agency upon his request for such action.

**22-009 TIME LIMIT ON REQUESTS FOR FAIR HEARING****22-009****.1 The request for fair hearing must be filed within 90 days after the order or action with which the claimant is dissatisfied.**

The date of the order or action on which the request for a fair hearing is based shall be the date on which notice of such order or action was mailed to the claimant with the following exceptions:

**22-009 TIME LIMIT ON REQUESTS FOR FAIR HEARING (Continued)****22-009**

.12 Where requests for a fair hearing concern the amount of the grant, the request must be filed within 90 days, but the period of review will extend back to the first of the month on which the first day of the 90 day period occurred.

.13 If the last day of the 90 day period falls on a Saturday, Sunday or Holiday, the request for a fair hearing may be filed on the next business day.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

22-022    TIMELY NOTICE - ASSISTANCE PENDING HEARING

22-022

- .1 Except as provided in Section 22-022.2, where the county action would result in a discontinuance, termination, suspension, withholding, or reduction of an assistance grant, the county must mail to the person affected, at least ten (10) days prior to the effective date of that action, a written notice on State Department of Social Welfare Form ABCD 239, in duplicate, which will include:
- .11 Explanation of the type of proposed action;
  - .12 Explanation of the reason for the proposed action; and the state regulatory or statutory basis relied upon;
  - .13 An explanation of the person's right to a conference, his right to request a fair hearing, and the circumstance under which assistance will be continued if a fair hearing is requested.
- .2 Timely notice is not required in the following instances although the county shall send a notice not later than the date of action containing the requirements of 22-022.11, .12, .13:
- .21 The county has factual information confirming the death of the person affected;
  - .22 The county receives a clear written statement signed by the person affected that he no longer wishes assistance; or that gives information which requires discontinuance or reduction of assistance and the person has indicated, in writing, that he understands that this must be the consequence of supplying such information;

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

22-022    TIMELY NOTICE - ASSISTANCE PENDING HEARING (Continued)

22-022

- .23 The person affected has been admitted or committed to an institution, and further payments to that individual do not qualify for Federal financial participation under the State plan;
- .24 The person affected has been placed in skilled nursing care, intermediate care or long-term hospitalization;
- .25 The whereabouts of the person affected are unknown and county mail directed to him has been returned by the Post Office indicating no known forwarding address. The person's aid payment must, however, be made available to him if his whereabouts become known during the payment period covered by the returned check.
- .26 An AFDC child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his legal guardian.
- .27 The person affected has been accepted for assistance in a new jurisdiction and that fact has been established by the county previously providing assistance, or
- .28 A change in level of medical care is prescribed by the recipient patient's physician.
- .29 A special allowance granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period.

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

22-022    TIMELY NOTICE - ASSISTANCE PENDING HEARING (Continued)

22-022

In any case where assistance has been discontinued, terminated, suspended, withheld, or reduced without timely notice, if the person affected requests a fair hearing within ten (10) days of the mailing of the notice of action, assistance shall be reinstated retroactively and the provisions of Section 22-022.4 shall apply.

- .3 If, within the ten-day period, the person affected indicates his wish for a conference, he or his authorized representative will be given an opportunity by the county to discuss the problems, and will be given an explanation of the reasons for the proposed action, and will be permitted to show that the proposed action is incorrect.

.31 During this conference, the person affected will be permitted to speak for himself or be represented by legal counsel or by a friend or other spokesman.

.32 The conference will not in any way diminish the person's right to a fair hearing.

- .4 Where the person affected has filed his request for a fair hearing within the ten-day period, the assistance will be continued without change, until the fair hearing decision is rendered, unless prior thereto the claimant unconditionally withdraws or abandons his fair hearing request, a preliminary hearing decision is issued by the county in accordance with Section 22-023.221 which

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

22-022 TIMELY NOTICE - ASSISTANCE PENDING HEARING (Continued)

22-022

determines the claimant to be ineligible, or DSW determines, based upon the record of the claimant's fair hearing, that the issue involved in such hearing is one of state or federal law or change in state or federal law and not one of incorrect grant computation.

- .5 Where a change affecting the recipient's grant occurs during the hearing process and the recipient fails to file a timely fair hearing request after notice of such change, the county may implement its proposed action based upon the change.

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING

22-023

- .1 Preliminary Review and Report to the Chief Referee

- .11 Upon receipt of the notice from the Chief Referee that a recipient has filed a request for a fair hearing with his office, the county shall immediately ascertain whether the request for fair hearing was filed within ten (10) days after the mailing by the county of the notice required by Section 22-022.1 above. If the request was not filed within that ten-day period, the county shall neither reinstate nor continue aid. (See also 22-022.2 last paragraph.)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING  
(Continued)

22-023

- .2 Preliminary Hearing Procedure

The provisions for preliminary hearings set forth herein may be utilized by the county welfare department only upon prior written approval of the Chief Referee, and in such event shall be utilized in all cases.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023  
(Continued)

A preliminary hearing is an administrative hearing procedure which provides the recipient who has requested a fair hearing the opportunity to present his case directly to the county welfare department. The purpose of the preliminary hearing is to establish the issues to be heard at the fair hearing and to provide a county decision on those issues.

A preliminary hearing is neither required nor available for claimants who have requested a fair hearing on an eligibility determination not made by the county welfare department. Example: Action involving the denial of ATD applications.

.21 With the approval of the Chief Referee, the county shall provide preliminary hearings in accordance with the following procedures:

.211 A preliminary hearing shall be provided by the county welfare department to the claimant upon notification by the Chief Referee that a ~~request for a fair hearing has been filed by the claimant.~~

.212 The preliminary hearing shall be conducted by a person, hereinafter referred to as the "county hearing officer," designated by the county welfare director to conduct such hearings and prepare written decisions. Such person shall not have had any direct involvement in the initial determination of the county's proposed action.

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(Pursuant to Government Code Section 11380.1)

22-023    COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING    22-023  
(Continued)

.213 The county welfare department shall schedule the preliminary hearing to be held prior to the date scheduled for the claimant's fair hearing.

For good cause a preliminary hearing may be continued or postponed for a reasonable period at the request, or with the agreement, of the claimant or his authorized representative, provided that such continued or postponed preliminary hearing must be held prior to the claimant's scheduled fair hearing.

.214 The preliminary hearing shall be held in an office or facility of the welfare department of the county of the claimant's residence.

.215 The county welfare department shall mail or deliver to the claimant and his authorized representative, if any, the county's written notice of time and place of hearing not less than seven (7) days prior to the hearing.

.216 The claimant shall have the right to be represented and assisted by a person of his own choosing, including legal counsel, and shall have the right to confront and cross-examine adverse witnesses and present oral and documentary evidence in his behalf. At the request of the claimant, made prior to the date of the preliminary hearing, the county shall make available at the hearing those county welfare department employees directly involved in the determination of the county's proposed action in the claimant's case whose expected testimony has been shown to be necessary and material to the case without being unduly repetitious.

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(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023  
(Continued)

.217 Attendance at the preliminary hearing shall be limited to the claimant and his representative, a representative of the county welfare department, necessary witnesses and the county hearing officer. Appearance by the claimant, either in person or by a representative, is required at the hearing. County welfare department representation is also required. The county hearing officer shall conduct the hearing and shall exclude unauthorized individuals from the hearing unless both principals agree to their presence.

.218 At the preliminary hearing, the claimant and his authorized representative, if any, shall upon request be given the opportunity to examine all evidence used by the county welfare department in making its determination affecting the claimant's assistance, and all documentary evidence that will be used at the hearing.

.219 The preliminary hearing shall be conducted in an impartial and relatively informal manner in order to encourage free and open discussion by the participants. At the same time, the county hearing officer shall control the hearing so as to ensure that each witness is able to speak without unreasonable interruption. Testimony shall be given under oath.

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(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023  
(Continued)

The decision may be informal, and need not amount to a full opinion nor contain formal findings ~~of fact and conclusions of~~ law.

The county's decision on the issues considered at the hearing may be put into effect immediately upon issuance.

.222 The county shall promptly provide a copy of the written decision to the claimant and his authorized representative, if any, and to the Chief Referee.

.3 At the time of providing a copy of the decision to the ~~claimant~~, the county shall determine whether the claimant desires to proceed with the fair hearing. Notice of such determination, including, if the claimant ~~desires~~ to withdraw his request, a statement to that effect signed by the claimant or his representative, shall be forwarded to the Chief Referee with a copy of the decision. (The notification and decision may be provided to the Chief Referee, in appropriate cases, by submitting such material at the fair hearing for inclusion in the fair hearing record.)

.3 Preparation for the Fair Hearing - Prior to the fair hearing, the county welfare department shall:

1. organize a board of social workers and judges for its presentation at the hearing to avoid

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(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023  
(Continued)

- .31 Review the applicable statutes, regulations, and policies in light of the evidence. When assistance of the State Department of Social Welfare is required to clarify any question, such assistance shall be sought without delay.
- .32 Organize all oral and written evidence and plans for its presentation at the hearing to avoid unnecessary delay or duplication. Prepare a written basis of action statement setting forth the county position on the issues to be heard for submission into the fair hearing record. Where county policy directives or instructions are involved in the matter, copies of those documents shall be presented at the hearing.
- .33 Arrange for the attendance of all necessary witnesses and the availability of all documents for presentation of the county's case, including notification to the Chief Referee of any communication problem which the claimant may have.
- .34 If the issue is:
- .341 amount of aid;
  - .342 grant adjustment; or
  - .343 demand for repayment;
- prepare a complete final budget computation, month by month, for the period subject to review, and up to the date of hearing.

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(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023  
(Continued)

.35 Remain in touch with the claimant, and report without delay to the Chief Referee any change in his address or in any other circumstance which might affect the necessity for or conduct of the hearing. The responsibility to report changes in the claimant's circumstances ~~continues after the hearing until a decision is rendered.~~

.36 Arrange to have present at the hearing a county welfare department representative with full authority to make binding agreements and stipulations on behalf of the county welfare department.

22-025 HEARING NOT HELD IN COUNTY RESPONSIBLE FOR AID 22-023

.13 The county of responsibility may submit, prior to the hearing, a written statement to the office of the Chief Referee summarizing its action including all of the information in its possession regarding the point or points at issue, both supporting and opposing its action, together with relevant dates and any arguments the county desires to make and include in the statement that the county rests its case on the summary statement and materials submitted. The summary statement must be signed under penalty of perjury and contain a waiver of procedural defects of proceeding with the hearing in the absence of a county representative. Pertinent documents must be attached.

A hearing on this basis may be continued for further hearing if the claimant raises an objection or the referee determines that a substantial defect will result by proceedings.



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

**22-026 GROUP HEARINGS****22-026**

- .1 The Chief Referee may schedule a series of individual requests for fair hearing for a group hearing when the sole issue set forth in the requests is one involving state or federal law or policy or changes in state or federal law, as he may deem appropriate.
- .2 In all group hearings, each individual claimant shall be permitted to present his own case, and shall be permitted to be represented by any person he may desire.

**22-045 SETTING THE HEARING****22-045**

- .1 Place of hearing - The hearing shall be held in the county seat of the county in which the claimant is living at the time of the hearing, unless the claimant is unable to travel to the county seat because of his health, transportation problems, or other reasons. The hearing shall be conducted at a reasonable time, date, and place.

**22-053 CONTINUANCE FOR ADDITIONAL EVIDENCE (Continued)****22-053**

- .12 Close the hearing and hold the record open for a stated period not to exceed 30 days in order to permit the reception of additional documentary evidence. Any material submitted after the close of the hearing shall be made available both to the county welfare department and to the claimant and each shall have the opportunity for rebuttal. The referee conducting the hearing may order a further hearing if the nature of the additional information or the refutation thereof makes a further hearing desirable.

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(Pursuant to Government Code Section 11380.1)

22-054    ADDITIONAL MEDICAL EVIDENCE (Continued)

22-054

When the hearing involves medical issues, a medical assessment other than that of the person or persons involved in making the original medical assessment will be obtained by the county and will be made part of the record if the referee considers it necessary.

22-056    DISPOSITION OF FAIR HEARING MATTERS

22-056

All fair hearing matters will be set for hearing, heard, and disposed of by fair hearing decision within 90 days from the date of the request for fair hearing or, if the claimant has been provided a preliminary hearing, 90 days from the date of the preliminary hearing decision on the matter, except in those cases where the claimant withdraws or abandons his request for hearing, or the matter is continued for good cause. The overall time limits shall be extended only for the period of the continuance.

22-059    DECISION BY DIRECTOR OF THE STATE DEPARTMENT OF SOCIAL WELFARE    22-059  
(Continued)

- .3 No decision shall remand the case to the county welfare department for further consideration of the issues involved with the exception of "ATD Remands" requiring additional medical assessments for a determination of the issue involved.

22-061    NOTICE OF DECISION

22-061

- .1 After the referee's proposed decision is adopted, or an alternate decision is rendered by the Director, the Office of the Chief Referee shall mail a copy to the claimant, and the county welfare director. The notice of decision shall also contain a statement explaining the right to request a rehearing unless the decision is itself a decision on rehearing.

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(Pursuant to Government Code Section 11380.1)

22-065 REHEARING

22-065

- .1 A request for rehearing must be filed in writing with the office of the Chief Referee within 30 days after the affected county or the recipient receives the proposed decision of the referee adopted by the Director or a decision issued by the Director himself and must contain a statement of reasons therefor.

decision is to be repealed effective

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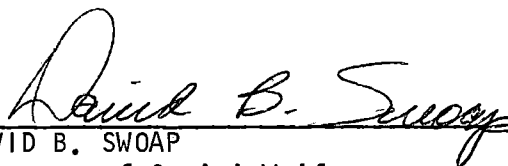
(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective October 15, 1973.

Section 22-003.12  
22-023.12  
22-023.13  
22-026.2  
22-026.3  
22-047  
22-051.3

Hearing on the proposed repeal of

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Social Welfare

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

OCT 30 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
Gov. Code 11380.2)

OCT 30 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 30, 1973

By:

DIRECTOR

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

OCT 30 1973 m

At 2:15 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: *Marjorie R. Hershberger*  
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421 (b) of the Government Code:

Amend: Section 44-333.161

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. EAS Section number 44-333.161 was declared invalid in an opinion rendered by the Attorney General.
2. This regulation revision eliminates the provisions of EAS 44-333.161 declared to be invalid by the Attorney General.
3. In order to permit counties to commence enforcement of this regulation as soon as possible, it is necessary to adopt this regulation on an emergency basis.

The regulatory changes herein set forth are adopted as emergency measures to become effective upon filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL (Continued)

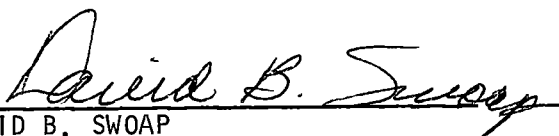
44-333

AB  
ATD  
OAS  
AFDC

.161 Willful Failure to Report

Unless the recipient effectively rebuts the presumptions of Section 44-333.14, his failure to report shall be considered willful.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Social Welfare

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

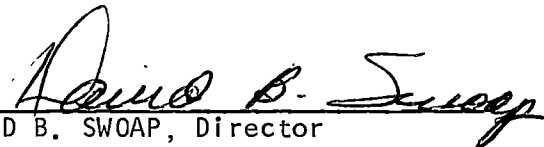


October 30, 1973

CERTIFICATE OF COMPLIANCE - SECTION 11422.1, GOVERNMENT CODE

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) attached hereto.

State Department of Social Welfare

  
DAVID B. SWOAP, Director



FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 1 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

NOV - 1 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: 11-1-73

By: David B. Swoop

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

NOV 1 1973

At 3:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By Maipie R. Herschberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amend: Section 44-209.21

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD  
AND CARE FACILITIES (Continued)

44-209

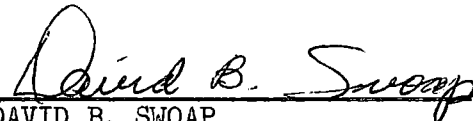
AB  
ATD  
OAS**.21 Out-of-Home Care**

"Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care, and designated supplementary services related to his individual needs. (See .3 below.)

"Out-of-home care" within the scope of these regulations is nonmedical and includes care provided in:

- a. Facilities licensed to provide residential care,
- b. State certified family care homes,
- c. Homes or other facilities which provide personal care and supervision and which the county has determined substantially meet licensing requirements but are not licensed because, under state law, they are not subject to any licensing requirements.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Social Welfare

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 1 1973

Office of Administrative Hearings

ENDORSED  
APPROVED FOR FILING  
(Gov. Code 11360.2)

NOV - 1 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: Nov. 1, 1973

By: David B. Swoop

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 1 - 1973

At 3:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: Marjorie R. Kershberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amend: Sections 44-207.1  
44-208.1  
44-209.5  
44-311.111  
44-311.113

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT  
OWN HOME (Continued)

AB  
ATD  
OAS

**.1 NEEDS CHART – RECIPIENT LIVING IN HIS OWN HOME**

**.11 Recipient Lives Alone**

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 92.00	\$ 92.00	\$ 92.00
Minimum needs related to age, blindness or disability . . . . .	<u>59.00</u>	<u>35.00</u>	<u>42.00</u>
Chapter 1022, Statutes of 1972 increase . . . . .	12.00	12.00	12.00
Minimum housing need . . . . .	30.00	--	21.00
<b>TOTAL . . . . .</b>	<u>\$193.00</u>	<u>\$139.00</u>	<u>\$167.00</u>
Housing allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$0-33.00	\$0-63.00	\$0-42.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	<u>\$193.00</u> <u>226.00</u>	<u>\$139.00</u> <u>202.00</u>	<u>\$167.00</u> <u>209.00</u>

<sup>1/</sup> For exceptions, see Section .21, below.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
OWN HOME (Continued)

44-207

AB  
ATD  
OAS

.12 Recipient in Shared Living Arrangement

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 92.00	\$ 92.00	\$ 92.00
Minimum need related to age, blindness or disability . . . . .	<u>59.00</u>	<u>30.00</u>	<u>42.00</u>
Chapter 1022, Statutes of 1972 increase . . . . .	12.00	12.00	12.00
Minimum housing need . . . . .	30.00	--	21.00
TOTAL . . . . .	<u>\$193.00</u>	<u>\$134.00</u>	<u>\$167.00</u>
Housing allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$0-15.00	\$0-45.00	\$0-24.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	<u>\$193.00</u> <u>208.00</u>	<u>134.00</u> <u>179.00</u>	<u>\$167.00</u> <u>191.00</u>

<sup>1/</sup> For exceptions, see Section .21, below.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT . 44-208  
BOARD AND ROOM

AB  
ATD  
OAS

**.1 Needs Chart — Recipient Living in Board and Room Arrangement**

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 55.00	\$ 55.00	\$ 55.00
Minimum needs related to age, blindness or disability . . . . .	<u>50.00</u>	<u>30.00</u>	<u>35.00</u>
Chapter 1022, Statutes of 1972 increase . . . . .	12.00	12.00	12.00
Minimum board and room . . . . .	76.00	--	65.00
<b>TOTAL . . . . .</b>	<u>\$193.00</u>	<u>\$ 97.00</u>	<u>\$167.00</u>
Board and room allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$0-26.00	\$0-87.00	\$0-37.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	<u>\$193.00</u> <u>219.00</u>	<u>\$ 97.00</u> <u>184.00</u>	<u>\$167.00</u> <u>204.00</u>

<sup>1/</sup> See exception in .2, below.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE FACILITIES (Continued)**

44-209

AB  
ATD  
OAS

**.5 Determination of Need — Recipient in Group I or Group II Nonmedical Board and Care Facility**

Need of the recipient who is classified for Group I or Group II care is determined as set forth below in relation to the level of care he requires and receives. Special needs are not allowed.

Need Items	Group I Minimum to Moderate Care and Supervision	Group II Extensive care and Supervision
A. Board, room, personal care and supervision.		
Allow charge for care* <u>not to exceed</u>	<u>\$180.00</u>	<u>\$206.00</u>
Components of maxima		
1) Shelter and utilities		
2) Food		
3) Personal care and supervision, including minimum basic services normally required for licensing.		
B. Personal and Incidental Needs** (Personal expenses, transportation, recreation, etc.)	<u>\$ 42.00</u>	<u>\$ 27.00</u>
C. Clothing, dry cleaning, extra laundry, shoe repair and other similar needs not normally provided by the facility.	<u>\$ 15.00</u> (50¢ per day)	<u>\$ 15.00</u> (50¢ per day)
D. Totals — Based on <u>maxima</u> for board, care and supervision.	<u>\$237.00</u>	<u>\$248.00</u>

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued) 44-311

.111 Grant Maximum for the Blind

AB

The grant maximum is \$243.

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued) 44-311

.113 Grant Maximum for the Aged

OAS

The grant maximum is \$232 unless there is need for

property taxes in which case an additional amount may

be allowed as provided in Section 44-241.

DO NOT WRITE IN THIS SPACE

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

*David B. Swoap*  
DAVID B. SWOAP  
Director of Social Welfare



## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

November 8, 1973

## CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code.

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on July 12, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

NOV 8 1973

Office of Administrative Hearings

**FILED**In the office of the Secretary of State  
of the State of California

NOV 8 - 1973

At 11:10 o'clock a.m.

EDMUND G. BROWN, Jr., Secretary of State

By Maipie R. Hershberger  
Deputy Secretary of State

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 16 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

NOV 16 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 15, 1973

By:

*Laurel B. Sweeney*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 16 1973

At 8:45 o'clock A.M.

EDMUND G. BROWN, Jr., Secretary of State

By:

*Nikki Case*

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend:

Sections 41-408.21  
41-408.31

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Current SDSW regulations provide that the penalty for refusing to participate in Employment, Manpower Services or Training by a needy AFDC caretaker relative who is not a WIN participant is AFDC ineligibility for the entire family.
2. The attached regulations provide for an improvement to the administration of these programs by revising the penalty for refusal to participate.
3. In order to implement this program improvement as soon as possible, it is necessary for these regulations to go into effect on an emergency basis.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

41-408    PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
             MANPOWER SERVICES, OR TRAINING (Continued)

41-408

AFDC

.21    In the case of an AFDC-U parent (including those not in  
         the FBU) \_\_\_\_\_ who is not a WIN participant, the  
         family is ineligible for aid.

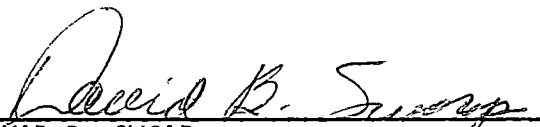
41-408    PENALTY FOR REFUSAL TO PARTICIPATE IN EMPLOYMENT,  
             MANPOWER SERVICES, OR TRAINING (Continued)

41-408

AFDC

.31    In the case of an AFDC-U parent (including those not in  
         the FBU) \_\_\_\_\_ the family is ineligible for aid.

These regulations do not mandate a new program nor mandate an increased level  
of service of an existing program which would result in increased costs to  
local governments under Revenue and Taxation Code Section 2231.

  
\_\_\_\_\_  
DAVID B. SWOAP  
Director of Social Welfare

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FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 21 1973

Office of Administrative Hearings

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(Gov. Code 11380.2)

NOV 21 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 21, 1973

By: *David B. Sweep*

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

NOV 21 1973

At 1:25 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: \_\_\_\_\_

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

#### FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 1142(b) of the Government Code:

#### Amend:

Sections 44-241.13  
44-241.43  
44-311.111  
44-315.23

#### Repeal:

Sections 44-315.233  
44-315.234

#### Adopted:

Sections 44-241.14  
44-241.35  
44-241.5

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 19524 of the Revenue and Taxation Code excludes from participation in the senior citizens property tax assistance program those recipients of aid whose grant contains an allowance for property taxes. This affects all recipients of adult aid.
2. To alleviate resultant hardships, Section 12162 of the Welfare and Institutions Code, as implemented by EAS 44-241, established a special need allowance, on account of property taxes, for homeownership recipients of assistance under the Old Age Security Law.
3. Recipients of assistance under other adult aid programs were not considered for similar relief. Sections 11023 and 11023.1 were recently added to the Welfare and Institutions Code as an urgency statute to correct this inequity by extending the special need allowance to include AB and ATD recipients who are over age 62. (Chapter 498, Statutes of 1973.)
4. To minimize the period of unequal treatment of elderly homeowner recipients, it is necessary that the act be implemented immediately.
5. The revised regulations implement these provisions. Their adoption on an emergency basis is necessary to enable counties to notify newly eligible recipients before taxes become delinquent (December 10), and thus to prevent further hardship.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES

44-241

AB  
ATD  
OAS

For purposes of this section "recipient" includes both individual recipients, and married couples either one or both of whom receive assistance.

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

AB  
ATD  
OAS

.13 Has property taxes which are not already being met within the housing allowance (see Section 44-207); and

.14 Has attained the age of 62 or over on January 1 of the previous fiscal year.

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

AB  
ATD  
OAS

.35 In the case of a married couple, both of whom meet the criteria in Section 44-241.1 and both occupy and pay taxes on the same home, apportion half of the monthly allowable special need determined in .34 to each spouse.

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

AB  
ATD  
OAS

.43 The amount of an installment payment shall not include any amount for taxes for any prior month during which the recipient was not receiving public assistance.

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

AB  
ATD  
OAS

.5 Period for which Special Need is Applicable

The special need allowance provided for by Section 44-241 is effective retroactively to July 1, 1973, subject to .43 above.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued)

44-311

AB

.111 Grant Maximum for the Blind

The grant maximum is \$243 unless there is need for property taxes in which case an additional amount may be allowed as provided in Section 44-241.

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID

44-315

AB  
OAS

.23 Property Taxes and Statutory Maximum - Recipient in Independent  
Living Arrangement

.231 Need Exceeds Statutory Maximum Because of Need for  
Property Taxes

If a recipient's total need for a month exceeds the statutory maximum for public assistance as set forth in Section 44-311, solely because of his need for property taxes, his grant is determined by deducting his nonexempt income from his total need. (See Section 44-201.)

.232 Need Exceeds Statutory Maximum Because of Needs Other Than  
Property Taxes but Recipient Also has Need for Property Taxes

If a recipient's monthly need, exclusive of property taxes, exceeds the statutory maximum and he also has need for property taxes, his recognizable need for grant authorization purposes is determined by adding the need allowance for property taxes to the statutory maximum. His grant is then determined by deducting his nonexempt income from the recognizable need so determined. The nonproperty tax need in excess of statutory maximum may be met by county supplementation and/or voluntary contributions within the limitations specified in Section 44-111.42.

DO NOT WRITE IN THIS SPACE

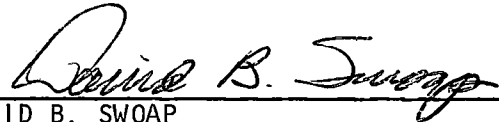
CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following Sections are to be repealed effective upon filing with Secretary of State.

Sections: 44-315.233  
44-315.234

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased cost to local government under Revenue and Taxation Code Section 2231.



DAVID B. SWOAP

Director of Social Welfare

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 30 1973

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
(Gov. Code 11380.2)

NOV 30 1973

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: 11-30-73

By: *David B. Swartz*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 30 1973

At 3:45 o'clock P.M.

EDMUND G. BROWN, Jr. Secretary of State

By: *Myron R. Hershberger*

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amend:

Sections

40-161  
40-173  
40-181  
44-103.31  
44-201.4  
44-315.71

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-161 HOME VISIT

40-161

AFDC

A home visit prior to approval of aid and prior to completion of periodic redetermination of eligibility pursuant to 40-181.1 is required when living arrangements or other factors affecting eligibility, or apparent eligibility in cases of immediate need, cannot be satisfactorily determined without such a visit. However, the recipient's failure to comply with the provisions of Section 40-181.22 will result in the termination of the recipient's grant without the requirement of a home visit.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-173 COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS  
AND RECIPIENTS

40-173

AB  
ATD  
OAS  
AFDC  
MN

Prior to [redacted] county action, the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payment to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notifications, advice, etc., shall be in simple understandable language. Required notifications are:

.1 Notice of County Action Granting Aid, Changing the Amount of the Grant or Changing the Recipient's Status

Use appropriate ABCD 239, Notice of Action. Use appropriate Form ABCD 239 to report county action authorizing a supplemental grant or changing status from a cash grant to MN. (See 40-183.)

.2 Notification When Application is Held Pending Eligibility

Use appropriate Form ABCD 239, Notice of Action.

.3 Notice of County Action Denying, Withholding or Discontinuing Aid

Use appropriate ABCD 239 Notice of Action. (See Section 22-022.)

.4 Notification When Application is Withdrawn

Use Form DPA 8, Notice to Applicant Who Withdraws Application. If the county elects to deny the application, use appropriate ABCD 239.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-173 COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS  
AND RECIPIENTS (Continued)

40-173

AB  
ATD  
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MN.5 Notice to Recipient of his Responsibility

Use the WR 2 instruction sheet to notify the recipient of his responsibilities according to Section 40-181. The notification will be given at the following times:

.51 At the time of the initial application on new cases or restorations.

.52 At the time of annual redetermination of eligibility.

.53 At other times when the court believes notification would be of particular significance. (See Sections 40-131.32 and .33, 40-171 and 44-333.2.)

.6 Confirmation of Guidance and/or Suggestions Regarding Sale of Property

Regarding the sale of his real or personal property, written confirmation shall be given to the applicant or recipient. Such written confirmation shall include a statement regarding the effect of the proposed sale on eligibility. A copy of such confirmation shall be filed in the case record.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

40-181

AB  
ATD  
OAS  
AFDC  
MN

.1 General County Responsibility

- .11 The county paying aid is responsible for continuing to determine eligibility to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capacities. For all aid categories, eligibility is established per the WR 2 at time of application and redeterminations at 12 month intervals.

AFDC | Eligibility for AFDC also must be established monthly per the WR 7 (i.e., Monthly AFDC Eligibility and Income Report). However, determinations may be made more frequently than normally required if unexpected changes in income, property or other circumstances occur which affect the eligibility of the recipient or the recipient's household members.

AB  
ATD  
OAS  
AFDC  
MN

- .12 Determinations made at more frequent intervals than are normally required for the WR 2 and the WR 7 shall not interfere with the prompt payment of aid unless there are reasonable grounds to suspect that a change has occurred which may result in ineligibility or overpayment which could not be adjusted within the adjustment period.
- .13 Aid shall not be withheld, suspended, or discontinued without compliance with Section 22-022.
- .14 Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevent the  return of the WR 2 or WR 7 eligibility redetermination forms.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY  
(Continued)**

40-181

AB  
ATD  
OAS  
AFDC  
MN

.311 Annual redeterminations, using the WR 2 form, shall include an interview with the parent or person responsible for the child.

.312 Monthly redeterminations using the WR 7 form, or special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

.33 The recipient's statements or the statements of his guardian or any other person acting for him and completing Forms WR 2 and WR 7, together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

AB  
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AFDC  
MN

**.4 Determination of Eligibility During Absence From the State, County, or Country.**

.41 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his departure and of changes in his living plan, his income, and his needs. If absent from the state, he is also required to inform the county of his residence intent. If in the state, but absent from the county paying aid, he is required to give information from which the county can determine if intercounty transfer is in order (see Section 40-187). If the recipient leaves the state the county shall immediately determine his residence intent and take appropriate action as provided in Chapter 42-400.

.42 When a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the appropriate Form WR 2 shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed Form WR 2 and return it with a report on the recipient's plan regarding residence if out of the state, his living arrangements, and his current needs and income.

AFDC

.43 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his intent as to residence if out of state, his living arrangements, income and needs.

AB  
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OAS  
AFDC  
MN

.44 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY  
(Continued)

AB  
ATD  
OAS  
AFDC  
MN

.15 The county is responsible for continuing identification of needs of the recipient, including medical assistance, and to provide prompt referral for these services.

.16 Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing counties when annual redeterminations per the WR-2 are due.

.2 Periodic Determination of Eligibility

.21 A determination of all circumstances of the recipient subject to change shall be made at least once every twelve (12) months. In this regard the applicant/recipient is required to complete the WR 2 at time of application and at least once every 12 months thereafter.

.211 The determination shall be considered completed as soon as the appropriate WR 2 has been reviewed and a decision has been made whether eligibility continues or ineligibility exists. The next due date for completion of the WR 2 will be fixed in relation to this decision. In no event shall the decision on a completed Form WR 2 be delayed solely for the purpose of avoiding a change in the periodic due date of determination of eligibility.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-181

CONTINUING ACTIVITIES AND DETERMINATION  
(Continued)

ELIGIBILITY

40-181

AE  
ATD  
OAS  
AFDC  
MN

.212 If a recipient's circumstances change in such a way that it is necessary to review certain aspects of eligibility, if a determination per the WR 2 is due, a decision shall be made as to whether a WR 2 shall be completed even though the next periodic determination is not yet due. If the county decides it is necessary that the WR 2 be completed at that time, the next due date is then adjusted accordingly.

AFDC

.22 AFDC recipients must, in addition to the annual completion of the WR 2, complete the WR 7 on a monthly basis. The WR 7 must be completed and returned to the CWD by the fifth of each month but not before the first of the month. If the recipient fails to return the completed WR 7 within this period, a personal meeting at the CWD will be required by the tenth of the month to determine the current eligibility status. If the recipient does not appear for the personal meeting by the tenth of the month to redetermine his current eligibility status, the county will terminate the recipient's AFDC grant. (See Sections 40-105 and 44-103.211.)

AB  
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OAS  
AFDC  
MN

.3 Methods of Periodic Determination of Eligibility

.31 Regulations governing the method of the initial determination also govern all continuing and periodic determinations. (See Sections 40-157 and 40-161.)

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-103      EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION      44-103

AB  
APSB  
ATD  
OAS  
AFDC

.3 Evidence Required

- .31 Evidence is required to be submitted monthly with the WR 7 establishing the gross and net amounts of income received, the time and frequency of receipt, and whether it is separate or community income. Documents and records showing income and receipts for all working expenses shall be submitted with the WR 7 to the CWD. Such documents and records, including the employers' statement of earnings, shall be returned promptly to the applicant or recipient.

44-201 DETERMINATION OF NEED - GENERAL (Continued)

44-201

AB  
ATD  
OAS  
AFDC

.4 Applicant or Recipient Responsibility

The applicant or recipient is responsible for reporting to the county promptly any changes which affect the determination of need.

(See Section 40-181.22.)

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

AFDC

44-315

AMOUNT OF AID (Continued)

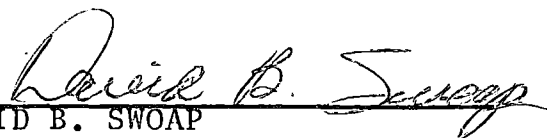
44-315

.7 Required Reporting of All Changes Affecting Eligibility and Grant Determination

All recipients are required to promptly report to the county any changes in eligibility or grant determination factors.

- .71 Prior to the end of each budget period the county shall request updated information from recipient families concerning all changes affecting eligibility and grant in that budget period or expected changes in subsequent budget periods. Such information shall be reported by the recipient on the WR 7. If the recipient fails provided in Section 40-181.22, the recipient's grant will be terminated.

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Social Welfare

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 30 1973

Office of Administrative Hearings:

ENDORSED

APPROVED FOR FILING

Gov. Code 11380.2)

NOV 30 1973

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: 11-30-73

By:

*David B. Swapp*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 30 1973

At 3:45 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By:

*Meropie R. Hershberger*

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Section 44-131.142

Repeal: Sections 44-111.473  
44-239Renumber: Sections 44-111.473 (from former 44-111.474)  
44-111.474 (from former 44-111.475)

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. County Welfare Departments have been directed to terminate the attendant care program by November 30, 1973 and in its place provide homemaker or chore services to eligible adult aid recipients.
2. The State Department of Health is adopting homemaker/chore services regulations effective November 30, 1973.
3. The attached regulations delete obsolete references to the attendant care services that are being replaced.
4. Since to leave attendant care and homemaker/chore services in effect at the same time would cause serious confusion and possible interruptions in the services available to adult aid recipients, it is necessary to adopt the attached regulations on an emergency basis.

The attached regulations are adopted as emergency measures to become effective on November 30, 1973.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

ATD

.473 Funds Provided for Physical Rehabilitation or Self-Care

Funds provided by public and private agencies to assist in implementing a plan for physical rehabilitation or self-care are exempt from consideration as income. (See .471 above regarding funds for vocational rehabilitation.)

AFDC

.474 Child's Income

The only income of a child which may be excluded from consideration as income to the family budget unit is that exempted under Sections 44-111.23 and 44-111.24.

44-131 TREATMENT OF INCOME - ADULT PROGRAMS (Continued)

44-131

AB  
APSB  
ATD  
OAS

.142 Income of Ineligible Spouse

- a. There are factors which differ between programs and must be considered in determining the amount of income available to the recipient from the ineligible spouse. These factors are based on statutory differences and include:

- (1) In AB, APSB and ATD, the character of the spouse's income, i.e., community or separate.
- (2) In AB or APSB whether the spouse is a husband or a wife.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-131

**TREATMENT OF INCOME — ADULT PROGRAMS (Continued)**

44-131

AB  
APSB  
ATD  
OAS

Consideration is given to these factors in the following subsections:

(1) Applicable to all spouses in OAS;

When AB or APSB recipient's spouse is the husband; and

When ATD recipient is ineligible for homemaker and chore services.

homemaker  
/and chore services, Community and/or separate income of the ineligible spouse of an OAS recipient and community income of the ineligible husband of an AB or APSB recipient, and community income of the spouse of an ATD recipient who is ineligible to retain in the full amount up to \$200 net per month to meet the spouse's needs. Additional amounts of net income may be retained in the amounts which, in the judgment of the county, are required to meet the following:

- (a) Needs of minor dependent children.
- (b) Medical expenses for the ineligible spouse and minor dependent children.
- (c) Payments on debts incurred for bona fide needs prior to the recipient-spouse's receipt of assistance or after receipt of assistance if the ineligible spouse had insufficient income at that time to meet his needs.
- (d) Unusual current living expenses of the ineligible spouse such as major repairs to the home, necessary repair or replacement of household furniture, etc.

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-131 TREATMENT OF INCOME - ADULT PROGRAMS (Continued)

44-131

AB  
APSB  
ATD  
OAS

142 Income of Ineligible Spouse

c. Any balance, up to one-half of the total net income, shall be allocated to the recipient.

(1) Applicable when AB or APSB recipient's spouse is the wife.

The amount of allocation from community income of the ineligible spouse is measured by the scale set forth in Section 43-109.31.

(2) Separate income of spouse of AB, APSB or ATD recipient.

Separate income of the ineligible spouse of a recipient is income to the recipient only to the extent that there is a voluntary contribution of such income. When the ineligible spouse has both separate and community income, it is proper to apply the separate income to his support first. However, when community income of the ineligible spouse is less than \$200 net a month, no allocation to the recipient from such income shall be made.

AB  
APSB

AB  
APSB  
ATD

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective upon filing with the Secretary of State:

Section: 44-239

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased cost to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Social Welfare

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

November 26, 1973

## CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on August 10, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Social WelfareBy David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

NOV 30 1973

Office of Administrative Hearings

**FILED**In the office of the Secretary of State  
of the State of California

NOV 30 1973

At 3:45 o'clock P.M.

EDMUND G. BROWN, Jr., Secretary of State

By Margaret R. Kershner  
Deputy Secretary of State